

UNITED STATES DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service
Compliance and Analysis Program
Compliance Branch

REVIEW REPORT

Case Number: L-014-15

Subject(s): American Egg Board
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Date of Report: July 7, 2016

SUMMARY

Mr. Joshua Tetrick, Chief Executive Officer, Hampton Creek, Inc., San Francisco, CA (Hampton Creek^[1]) complained that the American Egg Board (AEB) exceeded its mandate by funding a campaign to halt the growth of Hampton Creek. The AEB was created to administer an industry funded program of research, producer and consumer education, and promotion.

On September 3, 2015, the Agricultural Marketing Service Compliance Branch (AMSCB) initiated an extensive review of Mr. Tetrick's complaint. Five AMSCB investigators reviewed over 47,000 AEB emails from June 1, 2013, to September 21, 2015, and associated documents and conducted interviews with nine AEB staff; six AEB Board members/alternate members; Mr. Tetrick; Mr. Antony Zolezzi, Serial Entrepreneur; and two AMS employees. Attempts to interview Ms. Joanne Ivy, former AEB CEO/President were unsuccessful even after a subpoena was issued.

Mr. Tetrick is the founder of Hampton Creek, a food technology company, which, at its inception, was called Beyond Eggs. Hampton Creek's first product, "Just Mayo", was introduced to the

^[1] At its inception, the company was called "Beyond Eggs" but the company name was publicly changed to Hampton Creek in 2012.

market in December 2013. Hampton Creek's products do not contain eggs or egg products.

Mr. Tetrick made nine separate allegations discussed in this report. AMSCB expanded the scope of the review to examine three additional areas of concern. This report solely presents information and evidence gathered during the review. Analysis of these findings and decisions regarding possible actions or follow up by AMS are not covered in this report.

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BACKGROUND**Subject(s) Information**

Congress enacted the Egg Research and Consumer Information Act (7 USC §§2701 – 2718) in 1974 to enable egg producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promotion to strengthen the egg industry's position in the marketplace and maintain and expand domestic and foreign markets and uses for eggs, egg products, spent fowl, and products of spent fowl of the U.S. The Egg Research and Promotion Order was implemented in August 1976 (7 CFR §1250). The AEB was created to administer the program and oversight responsibility was assigned to the USDA Agricultural Marketing Service (AMS).

The AEB consists of 18 members and 18 alternates who are appointed by the Secretary of Agriculture from nominations submitted by eligible organizations, associations or cooperatives or by other egg producers. The Executive Committee of the AEB is composed of a representative member from each of its six geographic areas and the past Chairman. The AEB Chief Executive Officer (CEO) and AEB Staff administer the programs under the Executive Committee's direction. AEB receives its funding from an assessment on egg producers with more than 75,000 laying hens in the continental United States and the District of Columbia. The assessments generate about \$20,000,000 per year.

NARRATIVE

Basis for Investigation

Rex Barnes, former Associate Administrator, AMS, directed the AMSCB to initiate a review of Mr. Tetrick's complaint that the AEB exceeded its mandate by funding a campaign to halt the growth of Hampton Creek.

Investigative Findings**Allegation #1: AEB Staff threatened Mr. Tetrick when they exchanged emails about putting a "hit" on him.**

Mr. Tetrick alleged there were a number of actions AEB took directly targeting him and Hampton Creek which included threatening emails that discussed putting a "hit" out on him and having "old buddies from Brooklyn pay him a visit" (Exhibit 1). For additional information refer to Mr. Tetrick's signed sworn statement with addendum attached as Exhibit 2.

Mr. Mitch Kanter, Executive Director, Egg Nutrition Center (ENC)¹, stated that the December 3, 2013, email he sent to Mr. Kevin Burkum, Senior Vice President of Marketing, AEB, regarding contacting some "old buddies in Brooklyn" was clearly a joke. For additional information refer to Mr. Kanter's email attached as Exhibit 3 and signed sworn statement attached as Exhibit 4.

Mr. Michael Sencer, Vice President, Hidden Villa Ranch, stated the email he sent to Debbie Murdock, Executive Director, Association of California Egg Farmers and other Egg Farmers, on October 31, 2014, wherein he wrote "Can we pool our money and put a hit on him?" (Exhibit 5) was a joke and there was no intent of putting a "hit" on Mr. Tetrick or anyone else. Mr. Sencer stated he has since apologized to Mr. Tetrick for making the comment that was inappropriate. For additional details, refer to Mr. Sencer's sworn statement attached as Exhibit 6.

Allegation #2: AEB attempted to block the sale of Just Mayo at Whole Foods.

Mr. Tetrick alleged that AEB attempted to use Mr. Anthony Zolezzi, Serial Entrepreneur (consultant), to persuade Whole Foods to take "Just Mayo" off its shelves. He stated that these activities by AEB were not directed toward promotion of its product and were unlawful, and AEB's attempts to artificially manipulate market access for competing products were clear in the complaint emails (Exhibit 1).

Mr. Tetrick stated that sometime between August 23, 2015, and November 23, 2015, Mr. Zolezzi contacted him regarding his role and involvement against Mr. Tetrick's company. He stated that Mr. Zolezzi expressed his displeasure with AEB and apologized for his actions. For additional information, refer to Mr. Tetrick's signed sworn statement with addendum attached as Exhibit 2.

Mr. Roger Deffner, AEB Executive Committee Member, stated that during a November 2013 United Egg Producers event, Mr. Zolezzi made a proclamation he could stop the distribution of "Beyond Eggs" at Whole Foods with just a phone call. Mr. Deffner stated he received an email (Exhibit 7) dated December 4, 2013, from Ms. Joanne Ivy, who at the time served as AEB CEO/President, about Mr. Zolezzi's proclamation that he could stop distribution of Beyond Eggs with a phone call. He said he

¹ ENC is the science and nutrition education division of the American Egg Board.

probably did not follow up with this email and he believed Mr. Zolezzi's comment was frivolous because that was not the way products get to market or removed from market. For additional information refer to Mr. Deffner's transcribed statement attached as Exhibit 8.

According to Mr. Burkum's recollection, Ms. Ivy, Mr. Zolezzi, other egg producers, and himself met in Chicago concerning advertising and marketing ideas for the egg industry. He said Mr. Zolezzi mentioned he felt that the "Just Mayo" product was deceptive to consumers because it did not meet the standard of identity for mayonnaise and because it did not contain eggs, yet it had a picture of an egg on the label. Mr. Burkum said he thought Mr. Zolezzi was going to contact Whole Foods on Mr. Zolezzi's own behalf and not AEB's. Refer to Mr. Burkum's signed sworn statement attached at Exhibit 9.

Ms. Ashley Richardson, Director of Industry Communications, AEB, stated that she was present when Ms. Ivy had a short phone conversation with Mr. Zolezzi about being able to have "Just Mayo" removed from the shelves of Whole Foods. Ms. Richardson said Ms. Ivy dismissed his claims and to her knowledge Mr. Zolezzi never conducted any work for AEB nor was he paid for any services. For additional information refer to Ms. Richardson's signed sworn statement attached as Exhibit 10.

In a December 3, 2013, email exchange between Mr. Zolezzi and Ms. Ivy with the subject "Re: Whole Foods & Beyond Eggs," Ms. Ivy related that she would like to accept Mr. Zolezzi's offer to make the phone call to Whole Foods to keep "Just Mayo" off their shelves. Mr. Zolezzi responded the same day noting, "Joanne will do - great to meet you, look forward to being able to work with you in the future-AZ." Then, on December 23, 2013, Ms. Ivy followed up by asking Mr. Zolezzi if there was any progress report on "Just Mayo" being removed from the shelves of Whole Foods. For additional information refer to the emails between Ms. Ivy and Mr. Zolezzi attached as Exhibit 11.

Mr. Kenneth R. Payne, Director, Research & Promotion Division, LPS, AMS, stated he was unaware Ms. Ivy communicated with Mr. Zolezzi until his office began reviewing documents responsive to a Freedom of Information Act (FOIA) request. Mr. Payne said he became aware of the communication in February 2015, so he informed Mr. Paul Sauder, AEB Chairman, after the March 2015 AEB Executive Committee meeting. For additional information refer to Mr. Payne's signed sworn statement attached as Exhibit 12.

Mr. Errol Schweizer, Global Executive Coordinator, Grocery Procurement Team, Whole Foods, stated Mr. Zolezzi never contacted him concerning "Just Mayo", "Beyond Eggs", Hampton Creek, or AEB. He said that nobody ever asked him to remove "Just Mayo" from Whole Foods. For additional information refer to Mr. Schweizer's signed sworn statement attached as Exhibit 13.

Mr. Zolezzi stated he never contacted anyone at Whole Foods in an attempt to have them stop selling "Just Mayo", nor did he ever ask anyone else to call Whole Foods. Mr. Zolezzi said at the end of the November 2013 meeting, Mr. Burkum handed him a jar of "Just Mayo" and asked what he thought about it. He related he could not speak about the product but the label seemed a little suspect because it was an eggless mayonnaise that pictured an egg and was called "Just Mayo." Mr. Zolezzi stated that he has since apologized to Mr. Tetrick for his comments. For additional information refer to Mr. Zolezzi's signed sworn statement attached as Exhibit 14.

AMS determined that Mr. Zolezzi was never under contract with AEB.

In a December 19, 2013, email from Ms. Elisa Maloberti, Director of Egg Product Marketing, AEB, (Exhibit 15)² to John Howeth, Senior Vice President of Foodservice and Marketing, AEB, with the subject “Whole Foods to drop Chobani Yogurt from their stores in 2014,” Maloberti related that if it could be proved the plant-based ingredients in Beyond Eggs were GMO, maybe Whole Foods would take notice and take action against Beyond Eggs.

Ms. Maloberti stated no actions were taken to try and prove the plant based ingredients were GMO and that she was quoting the article in her email. She also noted at the time they were thinking about creating a white paper about how eggs are GMO free and that would be another position to take when marketing eggs. For additional information refer to Ms. Maloberti’s signed sworn statement attached as Exhibit 16.

Allegation #3: AEB hired Daniel J. Edelman, Inc. to lead a campaign against Mr. Tetrick.

Mr. Tetrick alleged AEB targeted him by hiring a public relations company (Edelman) to campaign against him (Exhibit 1). For additional information, refer to Mr. Tetrick’s signed sworn statement with addendum attached as Exhibit 2.

On December 23, 2013, Ms. Jenny Englert, Account Executive, Daniel J. Edelman, Inc., Chicago, IL (Edelman), sent an email to Ms. Ivy containing recommendations to AEB for short-term and long-term activities to respond to Beyond Eggs going into 2014. The email showed AEB’s interest in conducting research on the impact of Beyond Eggs to determine future media requests and strategic focus for future campaigns, and identifying influencers to rally in support of eggs. The email mentioned developing a direct comparison of eggs versus Beyond Eggs to understand where eggs outpace the product in terms of cost, consistency, etc. Ms. Ivy included members of the AEB staff on the response and indicated she planned to have a meeting with AEB executive staff during the week of January 6, 2014, to discuss the recommendations. For additional information refer to the email attached as Exhibit 17.

Mr. Burkum stated that Edelman had been AEB’s public relations agency since 2006 and they used them through 2015 for media monitoring. He said Edelman did issues management for AEB, which could be anything from avian influenza to animal rights activists. He stated he was involved in some of the discussions concerning “Just Mayo” which occurred from approximately 2012 until 2015. For additional information refer to Burkum’s signed sworn statement attached as Exhibit 9.

Mr. Kanter stated that Edelman assisted the Egg Nutrition Center (ENC) with marketing their research and educational materials to the health industry and with crisis management when issues arose. He said Edelman was already AEB’s main public relations company (Exhibit 18) and was not hired because of Hampton Creek or for the purpose of deterring someone from buying an egg alternative product such as Beyond Eggs and “Just Mayo.” Mr. Kanter said that the crisis management team had been used in the past for occasions such as avian flu outbreaks and responding to negative or positive research regarding eggs. For additional information refer to Kanter’s signed sworn statement attached as Exhibit 4.

Ms. Jacinta Ledonne, Director of State Programs, AEB, stated Edelman was contracted annually for public relations and they could be contracted separately for other things that may come up. She said Edelman was to come up with a campaign to promote the benefits of real eggs. Ms. Ledonne stated Edelman sent media updates concerning Beyond Eggs that sometimes consisted

² Howeth responded that they will want to make sure this is looked at during the patent analysis.

of articles mentioning the company. For additional information refer to Ledonne's signed sworn statement attached as Exhibit 19.

Ms. Ashley Richardson, Director of Industry Communications, AEB, stated there was a general awareness that Edelman assisted them with communications involving Beyond Eggs and the AEB staff received weekly updates on articles about the status of Hampton Creek/Beyond Eggs. Ms. Richardson said this was done in the past for the Kevin Bacon campaign and avian influenza outbreak. She did not believe Edelman was used to target Hampton Creek or for the purpose of deterring someone from buying an alternative product. For additional information refer to Richardson's signed sworn statement attached as Exhibit 10.

Ms. Maria "Mia" Roberts, Vice President of Strategic Operations, AEB, stated Edelman had been AEB's agency of record for public relations since 2006 or 2007 and her group used them for the purpose of looking at media coverage regarding Beyond Eggs. She stated they have done work like this on other projects such as when a Canadian research study indicated eating eggs was just as bad for you as smoking cigarettes. For additional information refer to Roberts' signed sworn statement attached as Exhibit 20.

Ms. Tia Rains, Senior Director, Nutritional Research and Communications, AEB, stated Edelman was already AEB's main public relations company, so when the topic of Hampton Creek came up they were the company to provide advice to AEB. She believed AEB and Edelman's response to Beyond Eggs was an effort to maintain the demand for eggs. For additional information refer to Rains' signed sworn statement attached as Exhibit 21.

Allegation #4: AEB paid bloggers to discredit Hampton Creek online.

Mr. Tetrick stated that AEB paid bloggers to raise questions about his products on line (Exhibit 1). For additional information refer to Tetrick's signed sworn statement with addendum attached as Exhibit 2.

On December 16, 2013, the Edelman team sent an email to AEB stating: "To continue to drive positive and balanced conversation about real eggs in light of Beyond Eggs coverage, we recommend working with a mix of influential real-food/agriculture advocates and RD bloggers (five to ten) to showcase the benefits of eating all-natural eggs." The email went on to say they wanted to cast a wide net to reach consumers with their messaging, so the goal was to secure participation from influential bloggers with large followings on their blogs and social channels. The email also showed how they would try to stay within the budget of \$7,500 to \$15,000. For additional information refer to Beyond Eggs Revised Blogger Recommendations attached as Exhibit 22.

In email exchanges dated January 17, 2014, and February 7, 2014, between Ms. Elizabeth Jensen, Edelman, and other AEB and Edelman employees, Ms. Jensen provided a comprehensive update on the Beyond Eggs blogger outreach. In addition, Ms. Englert sent an email to Ms. Roberts and mentioned they were happy to share two of the Beyond Eggs blog posts had gone live on Recipe Girl and Ingredients, Inc. that week. For additional information refer to the email attached as Exhibit 23.

Ms. Roberts stated the work completed by Edelman involving bloggers consisted of internet postings and media information involving recipes and the nutritional benefits of eggs. Ms. Roberts said the blogs were not developed in response to Mr. Tetrick and his products. She also said these posts did not appear

where Mr. Tetrick and his products appeared because these posts were made on Allison Lewis, Ingredients, Inc; Digital Brand Architects (DBA) reference Gaby Dalkin, What's Gaby Cooking; and Recipe Girl, Inc. blogs. Ms. Roberts said the blogger relationships were in place before AEB became aware of Beyond Eggs and Mr. Tetrick. For additional information refer to Roberts' signed sworn statement attached as Exhibit 20.

Mr. Burkum stated they did not use bloggers to attack "Just Mayo," but they did use them to talk about the benefits of eggs and egg products. For additional information refer to Burkum's signed sworn statement attached as Exhibit 8.

Ms. Richardson stated there has been a longstanding program involving bloggers who promote eggs and that all blog messages would have been USDA approved. For additional information refer to Richardson's signed sworn statement attached as Exhibit 10.

Ms. Serena Schaffner, Director of Marketing Communications, AEB, stated that while working for Edelman she worked with bloggers such as Alison Lewis, Ingredients, Inc; Gaby Dalkin from What's Gaby Cooking; and Recipe Girl. She said they asked the bloggers to write about the nutritional benefits of eggs and include a recipe on how to cook eggs. She stated they asked them to post those things on their own blogs for their following to see while disclosing they were sponsored by AEB to write the post. For additional information refer to Schaffner's signed sworn statement attached as Exhibit 24.

Mr. Deffner stated that bloggers were used to promote the positive attributes of egg and not to address negative attributes about a specific company. For additional information, refer to Deffner's transcribed statement attached as Exhibit 8.

Contained in AEB accounts payable was documentation dated April 1, 2014, with attachments to include a letter from Edelman to Mr. Burkum, dated March 13, 2014, showing AEB paid Edelman \$9,534.22 for work concerning Beyond Eggs. This work included continued support on Beyond Eggs related issues, reviewing blogger content and facilitated posts. For additional information refer to AEB accounts payable information attached as Exhibit 25.

Allegation #5: AEB created pop up ads to block information about Tetrick's company in online search engines.

Mr. Tetrick stated he first became aware of evidence suggesting AEB conducted a campaign against him and his company when he used search engines like Google or Bing to see what people were commenting about his company online. He said his staff notified him they were reading articles about Hampton Creek on Food Navigator when the Incredible Edible Egg Banner popped up and covered the entire page. Mr. Tetrick said they noticed that anytime someone searched for his name or the name of his company, the Incredible Edible Egg advertisements popped up. For additional information refer to Tetrick's signed sworn statement with addendum attached as Exhibit 2.

On December 18, 2013, Mr. Burkum sent an email stating: "Our Beyond Eggs Search effort is in place on Yahoo, Bing and Google." A further review showed a screen shot of a Bing search of Mr. Josh Tetrick and a Google search of Hampton Creek foods each bringing up "Get Egg

Production Facts” and the website address of www.incredibleegg.com/Study³. For additional information refer to the email from Mr. Burkum attached as Exhibit 26.

In her December 18, 2013, President Update, Ms. Ivy informed the egg industry on AEB’s actions in response to the increased media coverage surrounding the new egg replacer from Hampton Creek Foods. Ms. Ivy stated that AEB was leveraging paid searches on Google, Bing and Yahoo so when consumers searched for terms related to Beyond Eggs they would also see a link to IncredibleEgg.org’s section on the 50-Year Environmental Study. Ms. Ivy went on to mention AEB’s major initiative to address Beyond Egg was to target food manufacturers such as General Mills, Unilever, Kraft, etc. to convince them to continue to use real eggs with their formulations and be inspired to develop new products with egg ingredients. For additional details refer to the email attached as Exhibit 27.

On December 19, 2013, Ms. Maloberti sent an email which included a link to the www.buzzfeed.com website containing an article titled “Egg Industry Declares War on Eggless Eggs” by Rachel Sanders, BuzzFeed Staff. The article included images of Google word searches of Just Mayo, Hampton Creek Foods and Mr. Josh Tetrick and the image showed each brought up the website www.incredibleegg.com/Study. For additional information refer to the email from Ms. Maloberti and buzzfeed.com page attached as Exhibit 28.

Mr. Howeth stated⁴ he sent an email (Exhibit 29) dated March 24, 2014, to Mr. Kanter and Ms. Ivy in which he discussed leveraging paid searches on Google, Bing, and Yahoo. Mr. Howeth confirmed AEB rented approximately 20 words during January-April 2014, that when searched, aeb.org would appear. According to him, none of the words had to do with Mr. Tetrick or his products. Mr. Howeth said he did not believe he made Mr. Payne aware of this document. For additional information refer to Howeth’s signed sworn statement attached as Exhibit 30.

Mr. Burkum stated they had key word searches through Starcom, their paid media agency. He said that if someone Googled Mr. Tetrick, his company or products to include “Just Mayo” and Beyond Eggs, positive messages about eggs would appear. For additional information refer to Burkum’s signed sworn statement attached as Exhibit 9.

Allegation #6: AEB tried to join The Association of Dressings & Sauces⁵ to manipulate standards.

Mr. Tetrick stated AEB attempted to join the Association of Dressings and Sauces (ADS) to manipulate standards (Exhibit 1). For additional information refer to Tetrick’s signed sworn statement with addendum attached as Exhibit 2.

Ms. Maloberti stated the AEB Food Service/Egg Product Marketing committee discussed how they wanted more educational opportunities for food manufacturers involved in the production of sauces and dressings and she was asked to see what was needed to join ADS. Ms. Maloberti said because ADS did not have a membership category that AEB would fit into, their funds were refunded. For additional information refer to Maloberti’s signed sworn statement attached as Exhibit 16.

In a September 2, 2015, email to Ms. Ivy with the subject “Salad Dressings”, Mr. Howeth mentioned he

³ Incredible Egg is a campaign of the American Egg Board

⁴ Howeth stated that he referred to Beyond Eggs as “BE.”

⁵ Mr. Tetrick referred to this association as the American Association for Sauces and Dressings.

was requested by several further processors⁶ to look into the Association of Dressings and Sauces. Mr. Howeth said in completing their due diligence, they realized ADS did lobbying which was beyond their mandate and they did not proceed further. For additional information refer to the email attached as Exhibit 31. However, Mr. Howeth stated he was not involved in AEB's efforts to become a member of the ADS. For additional information, refer to Howeth's signed sworn statement with addendum attached as Exhibit 14.

Mr. Burkum stated he was aware AEB tried to become a member of ADS. He thought it dealt with increasing the sale of eggs with companies that made dressings and sauces. He stated AEB did not become a member of ADS and he did not recall if attempting to join ADS had anything to do with Hampton Creek. For additional information, refer to Burkum's signed sworn statement attached as Exhibit 9.

Mr. Payne stated that he was not aware that AEB tried to become a member of ADS until information was obtained by AMS, possibly through a FOIA. For additional information refer to Payne's signed sworn statement attached as Exhibit 12.

AMSCB determined that AEB efforts to become part of ADS occurred in August 2012. Mr. Tetrick's first commercial product sold in the market place was "Just Mayo" in December 2013.

Allegation #7: AEB intervened with their adversary in litigation (Unilever).

Mr. Tetrick stated that AEB intervened with their adversary in litigation (Unilever). For additional information, refer to Tetrick's signed sworn statement with addendum attached as Exhibit 2.

On November 20, 2014, Ms. Ivy sent an email to Mr. Howard Magwire, United Egg Producers (UEP)⁷, saying she just got off the phone with someone working the Unilever case against Hampton Creek. Ms. Ivy related the individual wanted her to say they supported Unilever in the lawsuit against Hampton Creek but Ms. Ivy told the individual they could not take a position. For additional information refer to the email attached as Exhibit 32.

On November 21, 2014, Ms. Ivy sent an email to Mr. Schaffner, Mr. Howeth and Mr. Burkum with the subject "Re: American Egg Board Follow Up" in which she related she provided Counsel from Unilever some basic information that was helpful, but she let him know AEB could not make statements supporting Unilever's position. For additional information refer to the email attached as Exhibit 33.

Ms. Richardson stated she remembered Ms. Ivy telling her an Unilever representative reached out to her to see if AEB had any information regarding Hampton Creek she could share. Ms. Richardson said Ms. Ivy told the Unilever representative that was not something she could comment on. Ms. Richardson said she could not recall when this occurred, but she believed it was during the time Unilever was in litigation with Hampton Creek. For additional information, refer to Richardson's signed sworn statement attached as Exhibit 10.

⁶ Further processing dealt with the retrieval, formulation, processing, preserving and handling of chicken meat products.

⁷ UEP refers to United Egg Producers, a Capper-Volstead agricultural cooperative in the United States which represents the interests of American egg producers.

Allegation #8: AEB intervened with the FDA and tried to get the FDA to go after Mr. Tetrick for labeling issues.

Mr. Tetrick stated AEB intervened with the Food and Drug Administration (FDA) and tried to get the FDA to go after him for labeling (Exhibit 1). For additional information, refer to Tetrick's signed sworn statement with addendum attached as Exhibit 2.

On January 9, 2014, Mr. Burkum sent an email to Mr. Roger Glasshoff (an AMS employee at the time who has since retired) seeking guidance on who the AEB could alert regarding what AEB viewed as a labeling violation for "Just Mayo" claiming to be "non-GMO." The email attachment included Just Mayo's logo and product specifications. Mr. Glasshoff's work at AMS did not involve oversight of AEB or any research and promotion program. AMSCB found that he fielded a routine inquiry about a regulatory matter and referred the requester to the correct regulatory authority. For additional information refer to the email and attachment attached as Exhibit 34.

Mr. Burkum stated he and Mr. Howeth communicated via an email chain (Exhibit 35) on January 9, 2014, with the subject "Eggs and GMO" concerning "Just Mayo" labeling and contacting the FDA regarding the statement of identity for mayonnaise. Mr. Burkum said "Just Mayo" did not meet the standard of identity for mayonnaise, but he never contacted the FDA nor did he know if anyone else contacted the FDA. For additional information refer to Burkum's signed sworn statement attached as Exhibit 9.

Mr. Howeth acknowledged he was involved in the January 9, 2014, email (Exhibit 35) with Mr. Burkum. Mr. Howeth said he told Mr. Burkum that he would review the information and discuss with him the next day. He also mentioned it seemed like a great opportunity to push back a little and get "Just Mayo" on the defensive regarding their labeling claims. Mr. Howeth stated he did absolutely nothing because he did not think it was appropriate to contact FDA because it was not in their purview. For additional information refer to Howeth's signed sworn statement attached as Exhibit 30.

Mr. Kanter stated he reviewed the January 9, 2014, email (Exhibit 35) but he did not contact the FDA concerning Mr. Tetrick's company or products. Mr. Kanter said he was not aware that anyone contacted the FDA regarding this matter nor did he hear anyone talk about contacting the FDA. For additional information refer to Kanter's signed sworn statement attached as Exhibit 4.

Ms. Maloberti acknowledged an email string (Exhibit 32) dated November 19 & 20, 2014, between Ms. Ivy, Mr. Magwire, and herself with the subject "Re: mayonnaise/salad dressing standards of identity" where she asked how egg-less mayonnaise products were getting away with calling themselves mayonnaise. In the email string, Mr. Magwire responded that he was pleased to see that Unilever was taking action against them. Ms. Ivy related that she had just gotten off the phone with a guy working on the Unilever case with Hampton Creek and that she could not take a position in the matter, but she wanted to make sure the FDA was aware of the labeling issue. Mr. Magwire replied that UEP could approach the FDA.

Mr. Sauder stated he was aware of an email Ms. Ivy received from Kraft Foods after Mr. Tetrick's complaint became public following the FOIA request. Mr. Sauder said the issue was over the definition of mayonnaise which must have eggs in it and that Ms. Ivy responded to Kraft that AEB could not contact or respond to the FDA. For additional information refer to Sauder's signed sworn statement attached as Exhibit 36.

Allegation #9: AEB used its funds to target Mr. Tetrick's products instead of promoting eggs.

Ms. Roberts remembered reading an email (Exhibit 37) from Ms. Ivy dated December 9, 2013, with the subject "Why I Farm." Ms. Roberts said that Ms. Ivy mentioned they needed to "fight back" against Beyond Eggs and she did not think they needed to mention them by name, but mention egg farmers produce natural, real food with the highest quality protein and not a synthetic egg product that was produced in a laboratory. Ms. Roberts felt Mr. Tetrick's remarks in the press that egg farmers mistreated animals and that eggs were not a sustainable source of protein were the problem, not his product.

Ms. Roberts approved the use of checkoff funds for Community Outreach, "Monitored Beyond Eggs," coverage from Edelman. She said the purpose was to look at media coverage concerning Beyond Eggs so if a reporter wrote a story they would capture the link. Ms. Roberts felt this was an appropriate use of checkoff funds because Mr. Tetrick made statements about AEB and they needed to know what they were. For further additional information refer to Robert's signed sword statement attached as Exhibit 20.

On December 16, 2013, Ms. Ivy sent an email to AEB Executive Committee members requesting approval for a \$59,500 budget to address the publicity that Beyond Eggs was receiving. Ms. Ivy further related they did not have a budget at that time but went ahead with a few activities because of timeliness and she felt they needed a budget to not only respond when appropriate but also be on the offense and not the defense. For additional information, refer to Ivy's email and attachment attached as Exhibit 38.

AMSCB's review of emails from Executive Committee members showed they agreed to the \$59,500 budget request. Mr. Deffner also wondered if the industry was more focused on this than the general public. For additional information refer to the attached emails from Deffner (Exhibit 39), Herbruck (Exhibit 40), Van Zetten (Exhibit 41), Sauder (Exhibit 42), Stonger (Exhibit 43), Reichman (Exhibit 44) and Pierce (Exhibit 45).

Mr. Sauder did not recall receiving the December 16, 2013, email or responding to it. Mr. Sauder stated that he viewed Mr. Tetrick's company and products as an attack on the egg industry and the egg itself, so he felt it was the responsibility of AEB to defend eggs and egg products by promoting eggs through positive messages. He said his defense was through a USDA approved communication and at no time did AEB directly attack Mr. Tetrick and Beyond Eggs with any messages. For additional information refer to Sauder's signed sworn statement attached as Exhibit 36.

Mr. Deffner, Mr. Van Zetten, Mr. Christopher Pierce, Mr. Andrew Reichman, and Ms. Patricia Stonger, AEB Executive Committee members, acknowledged approving the budget request. Mr. Deffner stated he gave his approval as the funds were to positively promote the egg industry and not to address Beyond Eggs negatively. Mr. Van Zetten stated he viewed Mr. Tetrick's products as an egg replacer/egg substitute, a competitor to the egg industry, and a product that could attract customers who usually bought products that contained eggs. He said the money was set aside to promote the attributes of eggs. Mr. Pierce stated that he saw Beyond Eggs as another option and as having a negative impact on the egg industry because somebody may use it instead of an egg product. He said that the motion and the approval was to know how egg products compared to Beyond Eggs for use from a marketing promotional standpoint. Mr. Reichman said he did not remember if Ms. Ivy explained what the activities were or what she meant by being on the offense and not the defense. For additional

information, refer to Deffner, Van Zetten, Pierce, Reichman, and Stonger's transcribed statements attached as Exhibits 8, 46, 47, 48, and 49 respectively.

In an email dated December 16, 2013, from Ms. Ivy to Mr. Burkum, Mr. Kanter, and Ms. Missy Maher from Edelman, with the subject "BEYOND EGG Budget", Ms. Ivy stated the \$59,500 Beyond Eggs budget was approved by the Executive Committee and the funds were to come from the Administrative Special Projects budget. For additional information refer to the email attached as Exhibit 50.

A December 16, 2013, email from Ms. Ledonne to Ms. Ivy showed a \$59,500 budget for Beyond Eggs Outreach, which included money budgeted for WSJ and HuffPo letters to the Editor,⁸ media relations (monitoring and follow-up), blogger relations (fees included research and negotiations with 5-10 key influential bloggers in food, tech and health/nutrition space, drafting key messaging and coordinating posts), ongoing strategic counsel and paid search/outbrain. For additional information refer to the email and attachment attached as Exhibit 51.

AEB conducted research to identify differences between eggs and plant-protein replacers. In an email chain from December 9, 2013, to January 16, 2014, between Ms. Ivy to Hongwei Xin, Director, Egg Industry Center, Iowa State University, with the subject "Environmental Footprint Study," Ms. Ivy mentioned they would also like to compare eggs to plant-protein replacers, such as egg replacer made from soy and two of the main Beyond Egg products. She also requested he look at a couple of other plant-based proteins, such as soy and maybe corn. A review of AEB accounts payable information found documentation showing Iowa State University was paid \$75,048 for "Comparing Environmental Footprint of U.S. Eggs w/other Plant & Animal Food Sources." For additional information refer to Exhibits 52 and 53.

Mr. Kanter reviewed and asked for an objective assessment of a Beyond Eggs patent (Exhibits 54, 55 and 56) from two external experts, Mr. Gil Leveille, Independent Professor (retired) and Mr. Tong Wang, Iowa State University Professor. He stated this was just due diligence and an activity they conduct often when they have questions regarding research or technology that may require insights from external experts. In an email dated December 21, 2013, Mr. Wang provided a document entitled "Review: Can Beyond Egg products fully substitute eggs?" For additional information refer to Kanter's signed sworn statement attached as Exhibit 4 and the email and attachment attached as Exhibit 57.

Ms. Roberts acknowledged sending an email (Exhibit 58) on March 3, 2014, to Ms. Ivy including consumer research questions with a question involving Mr. Tetrick. Ms. Roberts said the survey was developed to see how many consumers were aware of egg replacers, including Beyond Eggs. It also included a Beyond Eggs Statement of Work (SOW) from November 1, 2013, to January 31, 2014, with a total budget of \$59,500 and an amendment to the SOW with a budget of \$70,970.

The AEB Executive Committee minutes from March 12, 2014, reflect Ms. Ivy's request to carry over the balance (\$46,404) of the \$59,500 funds allocated for the Beyond Eggs program. The motion was approved unanimously. For additional information refer to the Executive Committee Minutes attached as Exhibit 59.

⁸ WSJ and HuffPO have been used to refer to Wall Street Journal and Huffington Post respectively.

Mr. Andrew (Andy) Liuzzi, Edelman, sent an email to AEB staff on March 31, 2014, with the subject "BEYOND EGGS Update" flagging two Beyond Eggs articles that were in the Business Insider and Entrepreneur. Mr. Liuzzi mentioned that the coverage included Hampton Creek's full pitch deck⁹ that provided them with valuable insight into the overall media and communications strategy. For additional information refer to the email chain and attachment attached as Exhibit 60.

Ms. Schaffner stated that outreach efforts were looped under Beyond Eggs because they needed to do a consumer education program about egg production practices and nutritional benefits of eating eggs. Ms. Schaffner said there were a lot of heated statements and misinformation from Mr. Tetrick about how eggs were produced and AEB wanted to educate consumers. For additional information refer to Schaffner's signed sworn statement attached as Exhibit 24.

Mr. Burkum stated that Mr. Tetrick began targeting the egg industry about how poorly they treated their animals, their sustainability from an environmental stand point and being generally untruthful about the egg industry. On February 3-5, 2015, Mr. Burkum ordered sales data regarding "Just Mayo" products (Exhibits 61 and 62), in the amount of \$1,700 from Ms. Brittany Novak, Client Business Partners, Nielsen. Mr. Burkum said the objective was to determine how "Just Mayo" products were selling.

Mr. Burkum acknowledged the use of search words to disseminate a positive messaging for eggs under reputation management. Mr. Burkum said he did not feel AEB's use of checkoff funds was inappropriate. For additional information refer to Burkum's signed sworn statement attached as Exhibit 9.

Ms. Ledonne stated that Edelman was to come up with a response/campaign regarding "Just Mayo" to promote the benefits of eggs. She said that Edelman would send out media updates, including articles that mentioned Beyond Eggs. She was not aware there was a specific line item in the budget for Beyond Eggs. For additional information refer to Ledonne's signed sworn statement attached as Exhibit 19.

Mr. Howeth stated that he conducted some research to determine if Mr. Tetrick's company and products were a threat. He determined the products were not a threat and there were no follow up actions. For additional information refer to Howeth's signed sworn statement attached as Exhibit 30.

Ms. Maloberti said that the Special Projects category in the budget was allocated \$247,000, of which \$70,000 was allocated for Beyond Eggs¹⁰ (Exhibit 63). She added that in this particular budget spreadsheet, the line item "Beyond Eggs" meant their egg replacer project and to her knowledge the Executive Committee and the USDA would not be aware there was a specific line item for Beyond Eggs. For additional information refer to Maloberti's signed sworn statement attached as Exhibit 16.

⁹ This was a presentation prepared by Hampton Creek.

¹⁰ The \$247,000 was for Special Projects from the 2014 Budget for the Egg Product Marketing (EPM) section and the \$70,000 was the Special Projects line item from the 2015 Budget for EPM section. Neither of these items were identified as Beyond Eggs in budgets submitted to AMS.

The AMSCB examined the AEB accounts payable information and found five invoices from Edelman containing charges related to the Beyond Eggs project totaling \$44,388.33. A spreadsheet listing those charges has been attached as Exhibit 64.¹¹

Additional Areas of Examination

During the course of this review, AMSCB became interested in: (1) whether AEB requested AMS approval for projects/activities; (2) AMS oversight of the AEB; and (3) whether AEB deleted emails related to this review.

During interviews, AMS representatives stated they had no knowledge that AEB approved a budget to address Beyond Eggs. A review of the 2013 and 2014 AEB budgets did not show a line item for Beyond Eggs on the budgets approved by AMS. AEB did not make a request to AMS for budget amendments for these years, although interviews indicated that budget amendments had been approved by AEB, and AEB is required to submit those amendments to AMS. It is AMS policy that budget requests include the previous two years budgets for comparison purposes. As part of this requirement, the 2015 AEB budget reflected a \$13,096 expenditure in 2013 and \$46,304 budgeted in 2014 and identified those line items as being for the Beyond Eggs PR campaign, even though those budgets had not been approved by AMS and did not show in the budgets or budget amendments submitted to AMS for those years by AEB. For additional information refer to the AEB 2014 and 2015 budgets attached as Exhibits 65 and 66.

Various AEB staff members stated they did not remember talking with AMS representatives about Beyond Eggs or that they were not in contact with anyone from AMS concerning Mr. Tetrick, his company and products. The review showed that neither the messages from Ms. Ivy to the Executive Committee nor their responses indicated AMS was made aware of the budget request and approval. One AEB staff member stated a lot of the discussions involving Hampton Creek were internal discussions and were meant for staff to help decide what to do within their regulatory limits.

Ms. Maloberti stated she sent an email and attachment (Exhibit 67) dated May 13, 2014, to an AMS representative. The email included a Power Point presentation she personally gave in Washington, DC to AMS representatives. Ms. Maloberti said the presentation was to educate them on the differences between egg substitutes and egg replacers. The presentation included a slide showing egg replacer marketing materials and one slide showing Beyond Eggs information. She said that the slide was not meant to single them out, but to show one of the many products that were on the market.

The minutes of a November 7, 2013, AEB Nutrition Committee meeting showed that a brief update on the Beyond Eggs campaign was provided as a follow-up to a conversation initiated during the previous committee meeting. The presenter stated that the claims behind the Beyond Eggs product were vague and there were different ingredients for each application, making it difficult to compare functionality and cost to eggs. An AMS representative was covering various committee meetings at the same time and was in and out of this meeting. Ms. Emily Debord, AMS employee, stated she attended the Committee meeting in person, but partially, meaning there were three other AEB Committee meetings going on at the same time that she had to cover, so there were times she went from one meeting to another and she was not in any one committee meeting the entire time. Ms. Debord did not recall the

¹¹ The Edelman invoice with supporting attachments and the AEB check record are retained in the files of the AMSCB.

discussion about Beyond Eggs. For additional information refer to the minutes attached as Exhibit 68 and Debord's statement as Exhibit 69.

Minutes from an AEB Executive Committee meeting showed an AMS representative was present at a meeting where a motion was made to carry over the balance (\$46,404) of the Beyond Eggs allocation from the 2013 budget to 2014. The motion was seconded and approved unanimously. However, a budget amendment was not submitted to AMS. The AMS representative does not remember this discussion. For additional information refer to the minutes attached as Exhibit 59.

An email between AMS representatives dated February 11, 2014, with the subject "Egg project-looking for feedback" showed a contract for a study with an objective of "Similarly compare the environmental footprint of US egg production with the environmental footprints of plant-based 'egg replacer' products such as the new Beyond Eggs product." The AMS representatives stated that they were not concerned with the project. For additional information, refer to the email and attachment attached as Exhibit 70.

An email exchange dated May 28-29, 2014 between AMS representatives with the subject "quick question" and another titled "Climate/Environmental Projects" mentioned that AEB decided to move forward with a comparative environmental study. Language in the document stated, "The findings from this type of research would be important to have to address egg replacers as well as highlighting that egg production will have a lower footprint compared to laboratory-created egg products such as Beyond Eggs and other plant-based egg replacers as well as other animal proteins." For additional information refer to the email attached as Exhibit 71.

During the course of this review, AMSCB began to review emails obtained from the AEB and became concerned that emails might have been deleted. Forensic review of servers showed emails not previously provided by AEB. The email review by AMSCB showed that Ms. Ivy instructed AEB staff by email to delete email messages concerning Beyond Eggs after they were read. However, AEB staff stated that they did not follow her advice. AMSCB was able to capture emails that had been deleted by Ms. Ivy. For additional information refer to Exhibits 72 and 73.

Attempts were made to interview Ms. Ivy, but she obtained the services of an attorney from the law firm of Robinson and Cole and did not wish to be interviewed. A subpoena was issued to Ms. Ivy, with a copy sent to her attorney, requesting all documents and writings in Ms. Ivy's possession that evidence, record, refer to or pertain to the AEB meetings, discussions and decisions pertaining to Mr. Tetrick, Hampton Creek, "Just Mayo", and Beyond Eggs from December 1, 2013, to December 31, 2015. Her attorney indicated that Ms. Ivy would rely on her constitutional rights and would not make any substantive comments in relation to the issues that were the subject of the subpoena.

MITIGATING AND/OR AGGRAVATING FACTORS

Ms. Joanne IVY was the Chief Executive Officer/President of the AEB from 2007 until September 2015. On September 30, 2015, Ms. Ivy entered into a Confidential Severance Agreement and Release with AEB and retired from her position.

Edelman is no longer under contract with AEB.

Mr. Sencer stated that he apologized to Mr. Tetrick for making an inappropriate comment and Mr. Tetrick stated that Mr. Zolezzi also apologized for his actions.

LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>	<u>Introduced on Page No.</u>
1	Complaint from HAMPTON CREEK, dated 10/7/15	4
2	Sworn statement of TETRICK with Addendum, dated 11/23/15	4
3	Email from KANTER, dated 12/3/13	4
4	Sworn statement of KANTER, dated 12/14/15	4
5	Email from SENCER, dated 10/31/14	4
6	Sworn statement of SENCER, dated 5/19/16	4
7	Email from IVY, entitled Meeting with Tom Hall Update, dated 12/4/13	5
8	Transcribed statement of DEFFNER, dated 2/25/16	5
9	Sworn statement of BURKUM, dated 12/15/15	5
10	Sworn statement of RICHARDSON, dated 12/15/15	5
11	Email exchange between IVY and ZOLEZZI, entitled Re: Whole Foods and BEYOND EGGS, dated 12/3/13	5
12	Sworn statement of PAYNE, dated 1/28/16	5
13	Sworn statement of SCHWEIZER, dated 1/6/16	5
14	Sworn statement of ZOLEZZI, dated 2/4/16	5
15	Email from MALOBERTI to HOWETH, dated 12/19/13	6
16	Sworn statement of MALOBERTI, dated 12/17/15	6
17	Email exchange between IVY and ENGLERT, entitled Re: Next Steps-Beyond Eggs 12.2, dated 12/23/2013	6
18	EDELMAN Letter of Agreement, dated 9/1/06	6

LIST OF EXHIBITS
(Continued)

<u>Exhibit No.</u>	<u>Description</u>	<u>Introduced on Page No.</u>
19	Sworn statement of LEDONNE, dated 12/16/15	7
20	Sworn statement of ROBERTS, dated 12/16/15	7
21	Sworn statement of RAINS, dated 12/16/18	7
22	Documentation from EDELMAN to AEB, entitled Beyond Eggs Revised Blogger Recommendations, dated 12/16/13	7
23	Email exchange between JENSEN and ROBERTS, entitled Beyond Eggs Blogger Outreach, dated 1/17/14-2/7/14	7
24	Sworn statement of SCHAFFNER, dated 12/15/15	8
25	AEB accounts payable payment number 7939, date 4/1/14	8
26	Email from BURKUM to IVY, HOWETH, KANTER and ROBERTS, dated 12/18/13	9
27	IVY's email dated 12/18/13, entitled "President's Update."	9
28	Email from MALOBERTI to HOWETH, IVY, KANTER, ROBERTS and BURKUM, dated 12/19/13	9
29	Email exchange between HOWETH, KANTER and IVY, entitled Beyond Eggs, dated 3/20/14 & 3/24/14	9
30	Sworn statement of HOWETH, dated 1/5/16	9
31	Email from HOWETH to IVY, dated 9/2/15	10
32	Email exchange between IVY, MAGWIRE, and MALOBERTI, dated 11/19/14 & 11/20/14	10
33	Email from IVY to SCHAFFNER, HOWETH and BURKUM, Dated 11/21/14	10
34	Email exchange between BURKUM, PAYNE and GLASSHOFF entitled Eggs and GMO, dated January 7 to 9, 2014	11
35	Email from HOWETH to BURKUM and IVY, dated 1/9/14	11

LIST OF EXHIBITS
(Continued)

<u>Exhibit No.</u>	<u>Description</u>	<u>Introduced on Page No.</u>
36	Sworn statement of SAUDER, dated 2/1/16	11
37	Email from IVY to ROBERTS, entitled Why I Farm, dated 12/9/13	12
38	Email from IVY to DEFFNER, HERBRUCK, VAN ZETTEN, SAUDER, STONGER, REICHMAN and PIERCE, entitled Fwd: Beyond Eggs Budget, dated 12/16/13	12
39	Email exchange between IVY and DEFFNER, entitled Beyond Eggs Budget, dated 12/16/13	12
40	Email exchange between IVY and HERBRUCK, entitled BEYOND EGGS Budget dated 2/16/13	12
41	Email exchange between IVY and VAN ZETTEN entitled BEYOND EGGS Budget, dated 12/16/13	12
42	Email exchange between IVY and SAUDER entitled BEYOND EGGS Budget, dated 12/16/13	12
43	Email exchange between IVY and STONGER entitled BEYOND EGGS Budget, dated 12/16/13	12
44	Email exchange between IVY and REICHMAN entitled BEYOND EGGS Budget, dated 12/16/13	12
45	Email exchange between IVY and PIERCE entitled BEYOND EGGS Budget, dated 12/16/13	12
46	Transcribed statement of VAN ZETTEN, dated 2/23/16	12
47	Transcribed statement of PIERCE, dated 2/26/16	12
48	Transcribed statement of REICHMAN, dated 2/26/16	12
49	Transcribed statement of STONGER, dated 2/25/16	12
50	Email from IVY to MAHER, BURKUM and KANTER Entitled Beyond Egg Budget, dated 12/16/13	13
51	Email from LEDONNE to IVY, dated 12/16/13	13

LIST OF EXHIBITS
(Continued)

<u>Exhibit No.</u>	<u>Description</u>	<u>Introduced on Page No.</u>
52	Email exchange between IVY and XIN, entitled Environmental Footprint Study, dated 1/16/14	13
53	AEB Accounts payable payment number 9332, dated 12/31/14	13
54	JUST MAYO patent, dated 12/3/13	13
55	Email from KANTER to LEVEILLE, dated 12/9/13	13
56	Email from KANTER to WANG, dated 12/10/13	13
57	Email from WANG to KANTER, dated 12/21/13	13
58	Email exchange between ROBERTS and JENSEN, entitled Beyond Eggs Consumer Research, dated 2/13/14-3/3/14	13
59	AEB Executive Committee Meeting Minutes, dated 3/12/14	13
60	Email from LIUZZI to IVY, ROBERTS, KANTER, BURKUM, and HOWETH, dated 3/31/14	14
61	Email exchange between BURKUM and NOVAK, entitled Just Mayo, dated 2/3/15 – 2/5/15	14
62	NIELSEN Order Confirmation and Agreement with AEB, dated 2/2/15	14
63	Email from HOWETH to MALOBERTI, dated 10/9/14	14
64	Excel Spreadsheet prepared by AMSCB detailing EDELMAN invoices sent to AEB which contained work product related to the BEYOND EGGS effort	14
65	AEB 2014 Approved Budget, dated 7/11/13	15
66	AEB 2015 Approved Budget, dated 7/10/14	15
67	Email from MALOBERTI to PAYNE, dated 5/13/14	15
68	AEB Nutrition Committee Minutes, dated 11/7/13	15
69	Signed sworn statement of Debord, dated 3/22/16	16

LIST OF EXHIBITS
(Continued)

<u>Exhibit</u> <u>No.</u>	<u>Description</u>	<u>Introduced on</u> <u>Page No.</u>
70	Email from DEBORD to PAYNE, SNYDER and SHACKELFORD, dated 2/11/14	16
71	Email from DEBORD to SNYDER, dated 5/29/14	16
72	Emails from IVY, entitled Hampton Creek Signs on Kathleen Sebelius, dated 7/10/15	16
73	Email from HOWETH to HARMEL, dated 8/5/15	16

The USDA and its administrative board, the American Egg Board (AEB), exceeded their mandate and violated 5 laws in a coordinated, well-funded, 2-year+ campaign to halt the growth of Hampton Creek.

Hampton Creek is called a “major threat” and a “crisis.”

LAWS VIOLATED BY THE USDA'S AEB

- 1 7 U.S.C.A. § 2707
No funds collected by the Egg Board under the order shall in any manner be used for the purpose of influencing governmental policy or action.

- 2 U.S.C. § 2706
Must be "directed towards increasing the general demand" for eggs and egg products.

- 3 U.S.C. § 2707(c)
Must be "approved by the Secretary before becoming effective."

- 4 16 C.F.R. 255.5
Disclosure of any material connection between the endorser (i.e., blogger) and the sponsored advertiser (i.e., Egg Board).

- 5 AMS guidelines, Section IX.D
AMS will disapprove any advertising considered disparaging or those that depict other commodities in a negative or unpleasant light via either overt or subjective video, photography, or statements (excluding those that are strictly comparative).

A

Exhibit 1

Page 2 of 30

KEY PEOPLE



Joanne Ivy

*President/CEO,
USDA's AEB*



Anthony Zolezzi

*External Contractor/
Sustainability Consultant*



Mike Sencer

*Executive Vice President,
Hidden Villa Ranch*



Mitch Kanter

*Executive Director,
USDA's AEB, Egg Nutri. Cent.*



Kevin Burkum

*SVP Marketing,
USDA's AEB*

Roger Glasshoff

USDA

John Howeth

*SVP Foodservice Marketing,
USDA's AEB*

Howard Magwire

*Head of Government Relations,
United Egg Producers*

Chad Gregory

*President/CEO,
United Egg Producers*

The following was obtained from a Freedom of Information Act (FOIA) request.

Exhibit 1

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1

USDA's American Egg Board called the growth of Hampton Creek a "major threat" and a "crisis."

The following are emails between AEB's CEO Joanne Ivy, Edelman, and other AEB executive officers.

From: Joanne Ivy [<mailto:Jivy@aeb.org>]
Sent: Tuesday, August 20, 2013 3:33 PM
To: Maher, Missy; Jensen, Elizabeth (Schreiber); Schaffner, Serena
Cc: John Howeth; Elisa Maloberti; Mitch Kanter; Kevin Burkum; Kristin Livermore; Tia Rains
Subject: RE: Beyond Eggs

Missy, I am getting a lot of emails about this product from egg producers and further processors. The further processor considers this a serious threat to their business. I have met with John, and we think it would be a good idea if Edelman looked at this product as a crisis and major threat to the future of the egg product business and provide some advice and input as to how we should address this situation. I was wondering if we should hold a conference call this week to discuss or if Edelman would like to give some thought to the situation and get back to me about how you would like to present your recommendations and move forward. I realize this is an egg product issue, but I respect Edelman's expertise in a crisis situation. I am feeling this is turning into a crisis!

Most of the emails I am getting are similar to this one, "What are we doing at AEB with regard to this competing product??" We need to have an answer! Joanne

2

USDA and its administrative board, the AEB, unsuccessfully lobbied the FDA to go after Hampton Creek

The following are emails between the USDA's Roger Glasshoff, the AEB's CEO Joanne Ivy, other AEB executive officers, and Howard Magwire, UEP's Head of Government Relations (formerly of USDA).

LAWS VIOLATED BY USDA'S AEB

7 U.S.C. § 2707(c)

Must be "approved by the Secretary before becoming effective."

7 U.S.C.A. § 2707

No funds collected by the Egg Board under the order shall in any manner be used for the purpose of influencing governmental policy or action.

U.S.C. § 2706

Must be "directed towards increasing the general demand" for eggs and egg products.

Exhibit 1

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From: Kevin Burkum
Sent: Thursday, January 09, 2014 11:37 AM
To: John Howeth
Cc: Joanne Ivy
Subject: FW: Eggs and GMO

Hi John. Please see email trail below regarding challenging Just Mayo's labeling claims with FDA.
Happy to discuss further if you have any questions.

Kevin Burkum | *Senior Vice President of Marketing*
American Egg Board
O 847.296.7043 | D 224.563.3702 | F 847.296.7007
PO Box 738, 1480 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org



The information provided in this email is confidential and proprietary to the American Egg Board. The unauthorized use or disclosure is prohibited. If you have received this email in error, please advise the sender, and delete it from your computer.

From: Joanne Ivy
Sent: Thursday, January 09, 2014 11:34 AM
To: Kevin Burkum
Cc: Mitch Kanter
Subject: RE: Eggs and GMO

Yes, let's forward this information to John. Cc me. It also does not meet the standard of Identify for mayonnaise. I realize they call it Mayo. And, there are a few other things that is misleading, which I think can be challenged. Joanne

Exhibit 1

Page 8 of 30

From: Glasshoff, Roger - AMS [<mailto:Roger.Glasshoff@ams.usda.gov>]
Sent: Thursday, January 09, 2014 10:21 AM
To: Kevin Burkum
Subject: RE: Eggs and GMO

I would forward the information to the FDA District Office responsible for the location where the product was marketed. I believe that many labels currently in commerce do not comply with FDA's labeling policy. FEDEA needs to issue a notice to the industry as the terminology "non-GMO" is utilized throughout the food industry. In fact, I believe that the organic producers assume that all certified product can be declared "non-GMO." I understand that FSIS, USDA, is currently discussing the labeling of organic beef as "non-GMO" with the National Organic Program, AMS.

From: Joanne Ivy
Sent: Thursday, January 09, 2014 11:24 AM
To: Kevin Burkum
Cc: Mitch Kanter
Subject: RE: Eggs and GMO

Okay, let's do it, but I have more concerns. Let's discuss first.

Joanne C. Ivy, CAE | President & CEO
American Egg Board
O 847.298.7043 | D 224.583.3701 | C (b) (6)
PO Box 738, 1480 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org

"Okay, let's do it, but I have more concerns."
-Joanne Ivy, AEB CEO

Exhibit 1

Page 9 of 30

3

The USDA's AEB attempted to block Just Mayo™ distribution at Whole Foods.
Whole Foods did the right thing (not surprising).

The following are emails between the AEB's CEO Joanne Ivy, the AEB's SVP of Marketing Kevin Burkum, the United Egg Producers' CEO Chad Gregory, and external contractor Anthony Zolezzi.

LAWS VIOLATED BY USDA'S AEB

7 U.S.C. § 2706(a); 7 C.F.R. § 1250.341(e)

The USDA's AEB is not authorized to "influence governmental policy or action, or to fund plans for projects which make use of any unfair or deceptive acts."

7 U.S.C. § 2707(f)

The law requires that any contracts or agreements for program activities provide that they "become effective upon the approval of the Secretary."

From: Joanne Ivy
Sent: Tuesday, December 17, 2013 9:04 AM
To: Kevin Burkum
Cc: John Howeth; Mitch Kanter
Subject: RE: Just Mayo

Thanks. I am saving that info. As you know, Anthony said he could block having Just Mayo sold at Whole Foods. Joanne

Joanne C. Ivy, CAE | President & CEO
American Egg Board
O 847.296.7043 | D 224.563.3701 | C (b) (6) PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org

The information provided in this email is confidential and proprietary to the American Egg Board. The unauthorized use or disclosure is prohibited.

If you have received this email in error, please advise the sender, and delete it from your computer.

-----Original Message-----

From: Kevin Burkum
Sent: Tuesday, December 17, 2013 8:02 AM
To: Joanne Ivy
Cc: John Howeth; Mitch Kanter
Subject: RE: Just Mayo

Exhibit 11

Page 11 of 30

From: Joanne Ivy [mailto:Jivy@aeb.org]
Sent: Tuesday, December 03, 2013 9:01 AM
To: Chad Gregory
Subject: FW: Beyond Eggs

I was going to see what Kevin thought about following up on Anthony statement, but I sent to you first. So, please provide Anthony's contact information. I will go ahead and ask him to make the call. Thanks. Joanne

From: Joanne Ivy
Sent: Tuesday, December 03, 2013 7:58 AM
To: 'Chad Gregory'
Subject: Beyond Eggs

Kevin, I was thinking about writing Chad and cc those attending the meeting who would remember Anthony's statement. See below. Actually, if Anthony can prevent Beyond Eggs on the shelves, it would be worth it. He said he would do it, but he probably assumed that we would pay him for it. Although, he just said he would make the call – no fee mentioned. What if I sent the following to Chad?

Chad, The article on Beyond Eggs in your November 22 United Voices reminded me of a comment made by Anthony at the meeting with Tom Hall. Although it was first publicized that Whole Foods had the Beyond Eggs' *Just Mayo* on their shelves. They are now saying it will be fall. According to Anthony, it would only take a single call to Whole Foods to have them not take the Mayo . Anthony said he would make that call. However, I feel sure he wants to be paid for doing it. If it is that easy, I will contact Anthony and remind him to make the call unless his price is too step.

"Anthony said he would make that call. However, I feel sure he wants to be paid for doing it. If it is that easy..."

-Joanne Ivy, AEB CEO

Exhibit 1

Page 12 of 30

Lutton, Sara - AMS

From: Joanne Ivy
Sent: Tuesday, December 03, 2013 11:03 AM
To: AZ
Cc: Chad Gregory; Kevin Burkum
Subject: RE: Whole Foods & Beyond Eggs

Thanks. This is very much appreciated. Joanne

From: AZ [mailto:ant@ant@zolezzi.com]
Sent: Tuesday, December 03, 2013 9:54 AM
To: Joanne Ivy
Cc: Chad Gregory, Kevin Burkum
Subject: Re: Whole Foods & Beyond Eggs

Joanne will co – great to meet you, look forward to being able to work with you in the future – AZ

Anthony Zolezzi
562-413-5646

On Dec 3, 2013, at 6:54 AM, Joanne Ivy <jivy@aeb.org> wrote:

Good morning Anthony, it was a pleasure to meet you, Tom, and your associates at the meeting on November 20. I thought it was a good meeting. A lot of thoughts and ideas were presented in the 3 1/2 hour meeting, and we are still reviewing some of the ideas. As you were not aware, AEB has already done or is doing many of the ideas that were pitched, but I know that there are some ideas that we are interested in discussing further with Fall Worldwide.

In the meantime, I want to follow up on an offer you made at the meeting when we were discussing Beyond Eggs. You said that you could make a telephone call to Whole Foods to guarantee that they would not sell Beyond Eggs' Just Mayo. It was first publicized that Whole Foods had the Beyond Eggs' Just Mayo on their shelves, but we have checked and it is not currently available yet. They are now saying it will be fall. So, I would like to accept your offer to make that phone call to keep Just Mayo off Whole Foods shelves. Thank you in advance for placing the call to Whole Foods.

We will be getting back in to touch with Tom in the coming weeks to discuss further some of his thoughts. Joanne

"I would like to accept your offer to make that phone call to keep *Just Mayo* off Whole Foods shelves."

-Joanne Ivy, AEB CEO



Exhibit 1

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From: Elisa Maloberti
Sent: Thursday, December 19, 2013 8:57 AM
To: John Howeth
Subject: Whole Foods to drop Chobani Yogurt from their stores in 2014

If we can prove that the plant-based ingredients in Beyond Eggs are GMO, maybe Whole Foods would take notice and take action against Beyond Eggs like they've done to Chobani Yogurt. According to an article in Food Business News **“Whole Foods Market challenged its Greek yogurt suppliers to create unique options for shoppers to enjoy — including exclusive flavors, non-G.M.O. options and organic choices.”** Imagine the PR buzz that can be created if Whole Foods was on our side...

http://www.foodbusinessnews.net/articles/news_home/Consumer_Trends/2013/12/Whole_Foods_to_drop_Chobani_Gr.aspx?ID=%7b0AA1215D-C547-4FB5-BD52-704EF4E25047%7d&e=emaloberti@aeb.org

Elisa Maloberti | *Director of Egg Product Marketing*
American Egg Board
O 847.298.7043 | D 224.563.3711
PO Box 738, 1480 Renaissance Drive, Park Ridge, IL 60068
AEB.org IncredibleEgg.org

“Imagine the PR buzz that can be created if Whole Foods was on our side..”
-Elisa Maloberti, Director of Marketing, AEB

Exhibit 1

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4

The USDA's AEB, the egg industry, and Unilever strategized about stopping Hampton Creek.

The following are emails that include AEB's CEO Joanne Ivy, SVP of Marketing Kevin Burkum, SVP of Foodservice Marketing John Howeth, and Director of Marketing Serona Schaffner.

LAWS VIOLATED BY USDA'S AEB

7 U.S.C.A. § 2707

No funds collected by the Egg Board under the order shall in any manner be used for the purpose of influencing governmental policy or action.

7 U.S.C. § 2707(c)

Must be approved by the Secretary before becoming effective.

7 U.S.C. § 2706(a)

The USDA's AEB is not authorized to "influence governmental policy or action, or to fund plans for projects which make use of any unfair or deceptive acts."

Exhibit 1

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From: Joanne Ivy
Sent: Friday, November 21, 2014 9:24 AM
To: Serena Schaffner
Cc: John Howeth; Kevin Burkum
Subject: Re: American Egg Board Follow Up

Great. I just wanted to make sure you had what you needed. Your response is good -- and accurate! Thanks for handling.

Oh, I believe I mentioned in an email yesterday that the counsel from Unilever called. If not, I am mentioning it now. I believe I provided him some basic information that was helpful, but let him know that AEB cannot make statements that would support Unilever's position. Joanne

Sent from my iPhone

**“...the counsel from Unilever called....I believe I provided him some basic information that was helpful.”
-Joanne Ivy, AEB CEO**

Exhibit 1

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On Thu, Nov 20, 2014 at 10:52 AM, Joanne Ivy <JIvy@aeb.org> wrote:

Howard: I just got off the phone with a guy working with the Unilever case with Hampton Creek. He wanted me to say that we supported Unilever in this lawsuit against Hampton Creek, but I told him that we could not take a position. However, since the regulation requires egg in mayo and their product does not, I said that they should make sure that FDA is aware to address this situation. I feel sure they are aware, but maybe they need to be pushed. He also asked for a spokesperson and I said that we are not able to provide a spokesperson, but he may want to contact his egg supplier, because possibly someone with that company would be willing to talk about the benefits of real egg in mayo and false advertising with a none egg product. Just a thought. Joanne

“I just got off the phone with a guy working with the Unilever case with Hampton Creek...I said that they should make sure that FDA is aware to address this situation. I feel sure they are aware, but maybe they need to be pushed.”
-Joanne Ivy, AEB CEO

Exhibit 1

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5

The USDA's AEB and the egg industry threatened Hampton Creek's CEO.

The following are emails between the USDA's AEB and US egg producers.

LAWS VIOLATED BY USDA'S AEB

Threats of violence violate numerous state and federal laws.

Exhibit 1

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X

From: Mike Sencer <msencer@hiddenvilla.com>
Sent: Friday, October 31, 2014 11:59 AM
To: Debbie Murdock
Cc: Arnold Riebli (ariebli@nucalfoods.com); Steve Gemperle (sgemperle@gemperle.com); Gary West (gwest@jswest.com); gfoster@sceggs.com; Joanne Ivy; Chad Gregory (chaduep@unitedegg.com)
Subject: Re: Disruptors in 2014: Hampton Creek Foods - Comments on Chickens and eggs

**"...put a hit on him?"
-Mike Sencer, EVP Hidden Villa**

Can we pool our money and put a hit on him?



From: [Mitch Kanter](#)
To: [Kevin Burkum](#)
Subject: RE: More Beyond Eggs Love
Date: Tuesday, December 03, 2013 5:08:37 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

**"...you want me to contact
some of my old buddies in
Brooklyn to pay Mr. Tetrick a
visit?"
-Mitch Kanter, EVP AEB**

In the meantime, you want me to contact some of my old buddies in Brooklyn to pay Mr. Tetrick a visit?



6

The USDA's AEB hired Edelman, the world's largest crisis management firm, to lead a campaign against Hampton Creek. The USDA approved their key messages.

LAWS VIOLATED BY USDA'S AEB

7 U.S.C. § 2706(a); 7 C.F.R. § 1250.341(a)

The USDA's AEB is not authorized to "influence governmental policy or action, or to fund plans for projects which make use of any unfair or deceptive acts."

AMS guidelines, Section IX.D

"AMS will disapprove any advertising considered disparaging are those that depict other commodities in a negative or unpleasant light via either overt or subjective video, photography, or statements (excluding those that are strictly comparative)."

7 U.S.C. § 2707(g)

The law requires that any contracts or agreements for program activities provide that they "become effective upon the approval of the Secretary."

From: Englert, Jenny [mailto:Jenny.Englert@edelman.com]

Sent: Wednesday, January 29, 2014 10:35 AM

To: Mia Roberts

Cc: Joanne Ivy; Kevin Burkum; Kristin Livermore; John Howeth; Mitch Kanter; Maher, Missy; Luzzi, Andrew; Jensen, Elizabeth (Schreiber); Grosshandler, Jennifer; Schaffner, Serena; Burch, Kelle

Subject: Beyond Eggs Blogger Key Messages

Hi Mia,

As promised, we've pulled together the below key messages (USDA approved) that we'll be asking our Beyond Eggs bloggers (full list below) to weave into their blog posts. As you may recall, their posts will encourage their readers to make a conscious decision to choose real and sustainable foods, like eggs, on their path to a healthier lifestyle.

Once we receive your approval on these messages, we'll reach out to our bloggers to begin posting, beginning next week and update you at the end of each week on our progress. In the meantime, let us know if you have any questions.

Best,

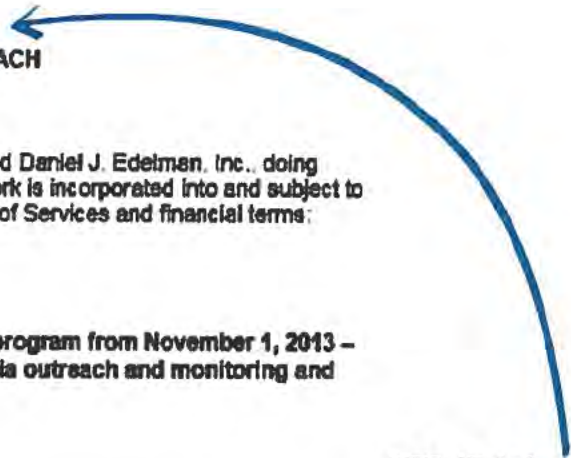
Jenny

Exhibit 1

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EXHIBIT [E]

American Egg Board and Edelman
STATEMENT OF WORK
PROJECT NAME: BEYOND EGGS OUTREACH
 November 1, 2013 – January 31, 2014



AEB/Edelman Contract

Pursuant to the Agreement by and between The American Egg Board ("Client") and Daniel J. Edelman, Inc., doing business as Edelman ("Edelman") dated September 1, 2006, this Statement of Work is incorporated into and subject to the terms and conditions of the Agreement. The parties agree to the below Scope of Services and financial terms:

SCOPE OF SERVICES

Overview

Edelman supports the American Egg Board's (AEB) Beyond Eggs outreach program from November 1, 2013 – January 31, 2014. The partnership includes providing strategic counsel, media outreach and monitoring and blogger relations in regards to Beyond Eggs.

Deliverables/Milestones & Timeline

Program Element	Activities	Start & End Dates	Est. Fees	Est. Expenses	Est. Total
WSJ and HuffPo Letters to the Editor	Strategic counsel to date, drafting, editing, submitting and follow up of (2) Letters to the Editor submissions to WSJ and Huffington Post	November 1, 2013- January 31, 2014	\$5,500	As Incurred	\$5,500
Media Relations, Monitoring and Follow-Up	Real-time response to Beyond Eggs coverage; following up with top 25 print food, features and health reporters; monitoring and reporting.		\$5,000	As Incurred	\$5,000
Blogger Relations	Research and negotiations with 5-10 key influential bloggers in food and health/nutrition space, drafting key messaging and coordinating posts. Includes OOPs for sponsored post partnerships with bloggers		\$18,000	\$15,000	\$33,000

7

USDA's AEB paid bloggers to discredit Hampton Creek.

The USDA's AEB hired Edelman, the world's largest crisis management firm, to lead a campaign against Hampton Creek.

LAWS VIOLATED BY USDA'S AEB

7 U.S.C. § 2705(a); 7 C.F.R. § 1250.341(e)

The USDA's AEB is not authorized to "influence governmental policy or action, or to fund plans for projects which make use of any unfair or deceptive acts."

16 C.F.R. 255.5

Disclosure of any material connection between the endorser (i.e., blogger) and the sponsored advertiser (i.e., Egg Board).

7 U.S.C. § 2707(g)

The law requires that any contracts or agreements for program activities provide that they "become effective upon the approval of the Secretary."

Date December 6, 2013
To AEB
From The Edelman AEB Team



Re: Beyond Eggs Blogger Recommendations

To support the Beyond Eggs outreach, we recommend working with a mix of influential food and registered dietitian bloggers (five to ten) to showcase the benefits of eating all-natural eggs. Please see below for our recommended approach along with bloggers we recommend engaging (in order of preference).

Approach

Engage five to ten food and registered dietitian bloggers to publish content on the many benefits of eggs to generate buzz and awareness for all-natural eggs versus egg replacers. We want to reach a lot of consumers with our messaging, so the goal is to secure participation from influential bloggers with large followings on their blogs and social channels. Because the influencers outlined below have a large footprint, they may ask for higher compensation so we will need to gauge their fees to determine exactly how many bloggers we can support within the budget of \$7,500 to \$10,000.

Blogger Roles/Responsibilities

- Each blogger will publish one blog post that will include the following key messages:
 - Eggs are all-natural and packed with a number of nutrients, including high-quality protein. The quality of egg protein is so high that scientists often use eggs as the standard for measuring the protein quality of other foods.
 - Egg farmers work hard to provide safe, nutritious food while maintaining the highest quality care for their hens. Today's hens are producing more eggs and living longer due to better health, nutrition and living environment.
 - Egg production today uses fewer resources and produces less waste. A new Egg Industry Center study shows the industry has decreased greenhouse gas emissions by more than 70 percent and uses 32 percent less water over the past 50 years.
 - At an average of just 15 cents apiece, eggs are the most affordable source of high-quality protein.
- Each blogger will Tweet 1-2 times; @IncredibleEggs will retweet. Tweets may include:
 - Links to the blog posts
 - Egg recipes
 - Nutrition nuggets
- Each blogger will post to Facebook 1-2 times. Facebook posts may include:
 - Links to the blog posts
 - Hashtag #TeamEggs
- All social media posts should use the hashtag #TeamEggs

Assets

We will share the following assets with each blogger:

- Environmental fact sheet and infographic
- Holiday fails/fixes list

8

The USDA's AEB attempted to become a member of the American Association for Sauces and Dressings for lobbying purposes.

LAWS VIOLATED BY USDA'S AEB

7 U.S.C.A. § 2707

No funds collected by the Egg Board under the order shall in any manner be used for the purpose of influencing governmental policy or action.

U.S.C. § 2706

Must be "directed towards increasing the general demand" for eggs and egg products.

American Egg Board
Check Request Form

Date:
August 02, 2012

Voucher Number:

Issue Check To:
Association for **Dressings & Sauces**

Check Stub Description
Annual Membership Dues

Check Detail:

Amount

Check Detail:	Amount
Annual membership dues for Association of Dressings & Sau...	\$1,206.00
Total \$	\$1,206.00

Account Name:
MEMBERSHIPS & SUBSCRIPTIONS

Account Number:
38-830-10

From: Knight, Jacque [<mailto:JKnight@kellencompany.com>]
Sent: Tuesday, August 14, 2012 11:02 AM
To: Elisa Maloberti
Cc: Milewski, Jeannie; Smith, Donna
Subject: Membership with The Association for Dressings & Sauces (ADS)

Good morning, Elisa,
I hope this finds you well!

I was surprised to see your membership application and dues submission come through late last week! Unfortunately, as I noted to you in our phone conversation, because you don't actually fall into either category of membership (Manufacturer or Supplier), a conversation needed to be held with our Executive Director and possibly our Board. It has been determined that further input from our Board will be required and that discussion won't take place until October. Depending on how the Board wants to accommodate this potential new category of membership, it may be as late as the new year before we have resolution. As such, I have put in a check request to refund your payment.

I understand you are out of the office this week, but wanted you to be aware of the situation upon your return. I will circle back around when I have news for you.

Best regards,

Jacque Knight

Manager, Membership & Administration

The Association for Dressings & Sauces

1100 Johnson Ferry Road, Suite 300

Atlanta, GA 30342

Exhibit 1

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From: Elisa Maloberti [<mailto:EMaloberti@aeb.org>]

Sent: Friday, August 17, 2012 9:40 AM

To: Knight, Jacque

Cc: Milewski, Jeannie; Smith, Donna; John Howeth (jhoweth@ioillc.com)

Subject: RE: Membership with The Association for Dressings & Sauces (ADS)

Hello Jacque,

Thanks for your thorough reply.

Would it be possible to for me to attend the October 2012 meeting as a guest?

Elisa Maloberti

Director of Egg Product Marketing

American Egg Board

Box 738

Park Ridge, il 60068

emaloberti@aeb.org

224-563-3711 direct dial

Exhibit 1

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The following are agencies, entities, and companies listed in the disclosure.

Exhibit 1

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USDA



incredible!



American Egg Board

The American Egg Board is an administrative board of the USDA



Exhibit 1

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City: Washington
State: DC

I, Joshua S. TETRICK, being duly sworn on oath, make the following statement freely and voluntarily to Thomas J COLSON, who has identified himself to me as a Compliance Officer, with the Agricultural Marketing Service, USDA, knowing this statement may be used in evidence.

I am the Chief Executive Officer/President of HAMPTON CREEK and have been since 2011. I am also the founder of HAMPTON CREEK, which, at its inception, was called BEYOND EGGS. We publicly changed the name in 2012 to HAMPTON CREEK and followed up to change it legally in Delaware on April 1, 2013. The reason we changed the name was to reflect the holistic purpose of the company in making food that is better for the environment, more healthful to consumers, and more accessible to everyone.

The philosophy behind the Company is to blend art and science in such a way as to produce food that tastes better, is better for you, is more affordable, more sustainable, and environmentally less destructive. That's how we change the system, and use food as a platform to solve our interconnected problems, both here and abroad. Although many see the Company as being primarily a producer of egg alternatives or replacements for products that contain chicken eggs, that is not our purpose. We do happen to use plants – like split peas and sorghum – and we do engage in research that spans food science, biology, and computational biology. The idea is much bigger, however, than just using plants to replace chicken eggs in the diet. It is about using a new approach, based around working with farmers and understanding these plants, to produce food that tastes better, costs less and is better for you. That's how we change the system. That's the point of everything we do. That's the reason for our use of the word "Just" before our products. "Just" to HAMPTON CREEK means fairness, access, and dignity. It should be easier for regular people to eat well, and that's our purpose. No other company has this combination of a philosophy and technology to enable it, and HAMPTON CREEK is one of the fastest growing food companies on the face of the planet because of it. Our products are in over 20,000 domestic retail establishments, and we have partnered with major companies around the globe.

(b) (6)

Initial

Page 1 of 2

~~9~~ 9

Exhibit 2
Page 1 of 9

HAMPTON CREEK's first product was Just Mayo, which was introduced to the market in December 2013 and uses yellow split peas as a key ingredient rather than chicken eggs. Since then, HAMPTON CREEK has created our Just Platform, which sells, in addition to Just Mayo, Just Muffins, Just Cookie Dough, Just Cake, Just Waffles, Just Mix, and Just Pancakes). It is true that these products do not contain eggs or egg products, but we are focused on our products being healthier (less sodium, less cholesterol), more affordable, and accessible to everyone. These products are also free of many of the chemicals and preservatives found in incumbent products.

Q: When were you first aware of evidence suggesting that the AMERICAN EGG BOARD was conducting a campaign against you and your company?

It was when we used search engines like Google or Bing to see what people were saying about our company on line. My staff notified me they were reading articles about HAMPTON CREEK on Food Navigator but the Incredible Egg Banner would pop up and cover the entire page. We noticed that anytime someone searched for my name or the name of our company, the Incredible Egg advertisements popped up. This began occurring roughly around 16-18 months ago. Subsequent to that, several of our major customers informed us that individuals from the "industry" were not saying the best things about our approach. Our customers started telling us that there were people out there "not saying anything good about you." At that time, however no one ever said explicitly it was the AEB.

Q: Did anyone at WHOLE FOODS ever tell you that the AMERICAN EGG BOARD had contacted them about HAMPTON CREEK or your company's products?

No. I first learned of the allegations involving WHOLE FOODS when we received copies of emails turned over in the course of an FOIA lawsuit.

Q: Have you or your company ever had any direct contact with the AMERICAN EGG BOARD?

Initials (b) (6)
Page ~~2~~ of ~~7~~ 2/9

Exhibit 2
Page 2 of 9

We have not had any interactions with the AEB, but we do have contacts with people within the egg industry – in the United States and internationally. We have had conversations with SANOVO from Western Europe, which was interested in distributing our products globally. We have also had contacts with large egg producers in the United States and independent egg farmers. Domestic egg producers have toured our facilities and discussed partnering with us in the future.

Egg Industry magazine ran an article about 7-10 months ago entitled "Egg Industry's Campaign Against HAMPTON CREEK," identifying the actions that certain entities in the egg industry were taking in an attempt to halt our growth. There was also an article that FORBES published, in which I did respond to a comment left by Joanne IVY, AEB's President. There has been no direct contact or communication between myself and AEB, nor are we engaged in any outreach activities with the AEB.

Q: Are you involved in any other outreach activities?

We are involved in outreach with the White House, Congress (both sides of the aisle), and with the United Nations. We are also involved with numerous other non-profits and others to promote a healthier, safer food system.

Q: Do you believe the AMERICAN EGG BOARD lied about your company?

Yes. From emails that indicate our mayo is a GMO product (it is not), to claiming that our product and company is based on synthetic technology (it is not). The lies and deception are clear throughout the record. **I think more than the lies, attacking competing products exceeded their promotional authority and the deceptive methods they utilized against HAMPTON CREEK also would directly violate federal standards against such conduct.**

Q: Have you felt targeted by the AMERICAN EGG BOARD? And do you believe that the AMERICAN EGG BOARD engaged in unfair or deceptive acts or practices?

(b) (6)

Yes, very clearly to both questions.

Again, I think the key point is this: Activities by the Egg Board that are not directed toward promotion of its product are unlawful. Even its research activities are required to be directed toward furthering overall promotion. The Egg Board attempts to artificially manipulate market access for competing products (see multiple emails below) are clear. And the Board's efforts to restrict the market for Just Mayo and the multiple of other deceptive acts (e.g., attempting to "push" the FDA to take action, paying bloggers without disclosing the payments) violate the egg checkoff law. The unlawful actions were committed at the time they were undertaken regardless of the harm, although that still occurred.

I feel that AEB has targeted me based on advertisements discussed in the article in Egg Industry magazine. Most importantly, I feel targeted based on my reading of the 670 plus pages of emails written by members of the AEB obtained under the FOIA. There are a number of actions that AEB has taken which I regard as being examples of direct targeting of me and HAMPTON CREEK by the AMERICAN EGG BOARD, including emails that discuss putting a hit out on me. When it comes to evidence that establishes this misconduct, 99.9 percent of it comes from the FOIA emails that were turned over. The evidence of misconduct is clear and overwhelming. The misconduct includes:

- hiring a public relations company (EDELMAN) to treat us as a "crisis and major threat" and devise a response plan against us;
- creating pop up ads to block information about our company in online search engines;
- deceptively paying bloggers to raise questions about our products on line;
- trying to join the American Association of Sauces and Dressings to manipulate standards;
- secretly helping our adversary in litigation (UNILEVER), despite acknowledging that they were prohibited from actually taking a position on the case;
- intervening with the FDA and trying to "push" the FDA to go after us re labeling;
- having others attack us; and
- emailing about intimidation tactics and putting a "hit out" on me.

(b) (6)

August 20, 2013 Email

In particular, Joanne IVY's email dated August 20, 2013 is evidence that there has been a concerted attack against HAMPTON CREEK. About our Company (BEYOND EGGS), IVY wrote that egg producers consider BEYOND EGGS to be "a serious threat to their business." She urged the AEB's PR company (EDELMAN) to look "at this product as a crisis and major threat to the future of the egg product business and to provide some advice and input as to how we should address this situation." In this one brief email, she called this "egg product issue" a "crisis" three separate times and asked, "What are we doing at AEB with regard to this competing product?? We need to have an answer!"

It is important to note that the full breadth of the Egg Board's attack on BEYOND EGGS is still to be revealed. The records disclosed to date represent *only a portion* of the documents in the agency's possession.

Q: Have the activities of the AEB had any adverse effect on your business?

I think that based on the evidence in the email traffic from the FOIA showing that AEB paid bloggers to question our product, paid for ads when searching on line for references to me and my company, and attempted to manipulate the FDA to limit our products – the AEB's activities have had an adverse impact on our business. At the time some of this was occurring, we were not actively marketing product so that the impact would not be seen by a decline in sales. The AEB's campaign against us, however, may have impacted our ability to build relationships within the industry. Due to our limited funds to market our product initially, we were utilizing social media as our means of outreach and education, and the blogging could have impacted our future sales. We have been forced to hire lawyers to advise us on the FDA's labeling issues, and we have clearly suffered disruption of various customer relationships. The time I have personally spent on this – as the leader of a young company – is a significant distraction – that has real and significant business costs.

I think AEB's attempt to influence FDA on our labeling, their attempt to join the American Association for Sauces and Dressings (KELLAN COMPANY) to challenge our product and

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Exhibit 2
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establish ingredients listing, and their contact with UNILEVER during their lawsuit with us over Just Mayo are additional examples of AEB specifically targeting our company.

I have done business with NEILSON's ratings for our marketing; however I have never done business with DANIEL J. EDELMAN, INC, a public relations firm or GRAY's.

I have had contact with Anthony ZOLEZZI within the last 60-90 days. Without warning, advance notice or arrangement, Mr. ZOLEZZI contacted me for his role and involvement against our company. He wanted to tell me about his displeasure with the AEB. This was the same individual who had offered in an email to IVY to go to WHOLE FOODS on December 3, 2013 and ask them to pull our product. He called me on my personal cell phone and apologized for his actions as he said he was a big fan of sustainability and he was not supportive of the things AEB was engaged in. I am happy to provide you with contact information for Mr. ZOLEZZI.

Relevant Emails

We were provided and received almost 700 pages of emails -- produced pursuant to FOIA -- which contain evidence of The AMERICAN EGG BOARD's improper activities aimed at HAMPTON CREEK, its products and its principals. From that universe of emails—which represent only a portion of the complete agency records—I have identified and highlighted a selection of those emails which I believe are a direct reflection of AEB's improper targeting of our company and which contain evidence of AEB's engaging in improper activity against HAMPTON CREEK. I am providing those emails to the AMS Compliance Branch and request they be added to my statement as an addendum. See the attached 27 pages which I have initialed.

Here is a brief description of some of the emails:

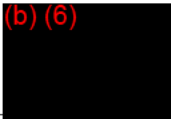
Initials 
Page 6 of 9

Exhibit 2
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Category 1: Emails showing CEO of AEB attacking BEYOND EGGS products: Joanne IVY says that "this product [is] a crisis and major threat to the future of the egg product business . . . What are we doing . . . with regard to this competing product??"

Category 2: Emails encouraging FDA to focus on HAMPTON CREEK's labeling: On January 9, 2014, Kevin BURKUM, the Senior Vice President of marketing for AEB sent an email to John HOWETH (with a copy to Joanne IVY) saying that Just Mayo's labeling claims should be challenged with FDA. He encloses an email from Joanne Ivy saying that Just Mayo's advertising "is misleading." IVY says that she thinks it "can be challenged."

In an email to Kevin BURKUM from Roger GLASSHOFF of AMS, GLASSHOFF recommends that the information should be forwarded to the FDA District office "responsible for the location where the product was marketed."

On November 20, 2014, Howard MAGWIRE sends an email to Joanne IVY saying that UNILEVER is probably "not interested in any more lawsuits but they could approach FDA . . . Randy and Oscar have good contacts at FDA, including with Mike Taylor (the Deputy Commissioner of the FDA)."

On several occasions, IVY noted in the emails we received from the FOIA encouraging others to push the labeling issues with the FDA. I also noted an email December 19, 2013 that IVY specifically mentioned our company and questioned if they might be able to impact our product sales as Chobani yogurt was impacted.

These AEB initiatives in 2014 were clearly intended to trigger FDA interest and focus FDA's attention on Just Mayo. Since then, FDA has in fact expressed concern about our labeling.

We received a letter from the FDA within the last 90 days in addition to our first letter from FDA around the UNILEVER lawsuit, concerning our labeling. We had a meeting on November 6, 2015 with FDA to further discuss our label. We have expended considerable time and resources to address these concerns with FDA.

Category 3: Emails Suggesting that Just Mayo be blocked from sale at WHOLE FOODS:

In December 2013, AEB officials (Joanne IVY, Kevin BURKUM, Elisa MALOBERTI) discussed having Anthony ZOLEZZI call WHOLE FOODS for the purpose of "keeping Just Mayo off WHOLE FOODS shelves." IVY also noted that she would agree to have Anthony contact WHOLE FOODS in an effort to remove Just Mayo from the shelves of WHOLE FOODS if his price was agreeable.

Category 4: Emails showing that AEB CEO provided "Basic Information" to UNILEVER:

These emails – dated November 2014 – show that AEB and HAMPTON CREEK's adversary, UNILEVER, coordinated activities against HAMPTON CREEK. Joanne Ivy wrote "I just got off the phone with a guy working with the UNILEVER case with HAMPTON CREEK . . . I said that they should make sure that FDA is aware to address this situation."

Category 5: Emails in which AEB and the Egg Industry joke about "Putting a Hit" on CEO of HAMPTON CREEK: Mitch KANTER, EVP of AEB, writes " . . . you want me to contact some of my old buddies in Brooklyn to pay Mr. Tetrick a visit?"

Category 6: Emails Showing AEB hired EDELMAN to lead campaign against HAMPTON CREEK: AEB hired EDELMAN to coordinate bloggers in running an online campaign against BEYOND EGGS. "We've pulled together the below key messages (USDA approve) that we'll be asking our BEYOND EGGS bloggers (full list below) to weave into their blog posts . . . "

Category 7: Emails showing AEB paid bloggers to discredit HAMPTON CREEK: The topic of the email giving directions to AEB's bloggers is: "BEYOND EGGS Blogger Recommendations."

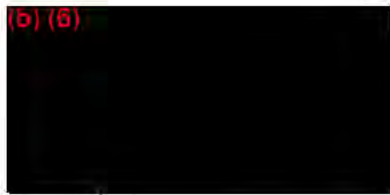
I have read this statement consisting of 9 pages and have been given the opportunity to make additions or corrections. It is true, complete and correct to the best of my knowledge.

//////////////////////////////////////END OF STATEMENT//////////////////////////////////////

(b) (6)
Initials _____
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Exhibit 2
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(b) (6)



Joshua TETRICK

11/23/15

Date

Subscribed and Sworn to
before me this
23rd day of November 2015

Thomas J. COLSON
Chief, Compliance Officer
Agricultural Marketing Service
U.S. Department of Agriculture

Witnessed by:

(b) (6)



Gregory B. CRAIG
Partner
Skadden, Arps, Slate, Meagher & Flom

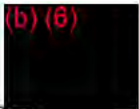
Initials 
Page 9 of 9

Exhibit 2
Page 9 of 9

1

USDA's American Egg Board called the growth of Hampton Creek a "major threat" and a "crisis."

The following are emails between AEB's CEO Joanne Ivy, Edelman, and other AEB executive officers.

From: Joanne Ivy [mailto:Jivy@aeb.org]
Sent: Tuesday, August 20, 2013 3:33 PM
To: Maher, Missy; Jensen, Elizabeth (Schreiber); Schaffner, Serena
Cc: John Howeth; Elisa Maloberti; Mitch Kanter; Kevin Burkum; Kristin Livermore; Tia Rains
Subject: RE: Beyond Eggs

Missy, I am getting a lot of emails about this product from egg producers and further processors. The further processor considers this a serious threat to their business. I have met with John, and we think it would be a good idea if Edelman looked at this product as a crisis and major threat to the future of the egg product business and provide some advice and input as to how we should address this situation. I was wondering if we should hold a conference call this week to discuss or if Edelman would like to give some thought to the situation and get back to me about how you would like to present your recommendations and move forward. I realize this is an egg product issue, but I respect Edelman's expertise in a crisis situation. I am feeling this is turning into a crisis!

Most of the emails I am getting are similar to this one. "What are we doing at AEB with regard to this competing product??" We need to have an answer! Joanne

2

USDA and its administrative board, the AEB, lobbied the FDA to go after Hampton Creek.

The following are emails between the USDA's Roger Glasshoff, the AEB's CEO Joanne Ivy, other AEB executive officers, and Howard Magwire, UEP's Head of Government Relations (formerly of USDA).

LAWS VIOLATED BY USDA'S AEB

7 U.S.C. § 2707(c)

Must be "approved by the Secretary before becoming effective."

7 U.S.C.A. § 2707

No funds collected by the Egg Board under the order shall in any manner be used for the purpose of influencing governmental policy or action.

U.S.C. § 2706

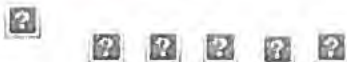
Must be "directed towards increasing the general demand" for eggs and egg products.

From: Kevin Burkum
Sent: Thursday, January 09, 2014 11:37 AM
To: John Howeth
Cc: Joanne Ivy
Subject: FW: Eggs and GMO

Hi John. Please see email trail below regarding challenging Just Mayo's labeling claims with FDA.
Happy to discuss further if you have any questions.

Kevin Burkum | *Senior Vice President of Marketing*

American Egg Board
O 847.296.7043 | D 224.563.3702 | F 847.296.7007
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org



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From: Joanne Ivy
Sent: Thursday, January 09, 2014 11:34 AM
To: Kevin Burkum
Cc: Mitch Kanter
Subject: RE: Eggs and GMO

Yes, let's forward this information to John. Cc me. It also does not meet the standard of identify for mayonnaise. I realize they call it Mayo. And, there are a few other things that is misleading, which I think can be challenged. Joanne

(b) (6)

From: Glasshoff, Roger - AMS [mailto:Roger.Glasshoff@ams.usda.gov]
Sent: Thursday, January 09, 2014 10:21 AM
To: Kevin Burkum
Subject: RE: Eggs and GMO

I would forward the information to the FDA District Office responsible for the location where the product was marketed. I believe that many labels currently in commerce do not comply with FDA's labeling policy. FEDEA needs to issue a notice to the industry as the terminology "non-GMO" is utilized throughout the food industry. In fact, I believe that the organic producers assume that all certified product can be declared "non-GMO." I understand that FSIS, USDA, is currently discussing the labeling of organic beef as "non-GMO" with the National Organic Program, AMS.

From: Joanne Ivy
Sent: Thursday, January 09, 2014 11:24 AM
To: Kevin Burkum
Cc: Mitch Kanter
Subject: RE: Eggs and GMO

Okay, let's do it, but I have more concerns. Let's discuss first.

"Okay, let's do it, but I have more concerns.

-Joanne Ivy, AEB CEO

Joanne C. Ivy, CAE | President & CEO
American Egg Board
O 847.296.7043 | D 224.563.3701 | C (b) (6)
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org | AEB.org

From: Howard Magwire
To: Joanne Ivy
Cc: Elisa Maloberti
Subject: Re: mayonnaise/salad dressing standards of identiy
Date: Thursday, November 20, 2014 10:57:33 AM
Attachments: [image007.png](#)
[image006.png](#)
[image001.png](#)
[image012.png](#)
[image011.jpg](#)
[image002.png](#)
[image005.png](#)
[image009.png](#)
[image008.png](#)
[image004.png](#)
[image003.png](#)
[image010.png](#)

Joanne,

Great response! UEP probably is not interested in any more lawsuits, but they could approach FDA. Have you brought it up with Chad? Randy and Oscar have good contacts at FDA, including with Mike Taylor.

Howard

Michael R. Taylor,
Deputy Commissioner of the FDA





The USDA's AEB attempted to block Just Mayo™ distribution at Whole Foods.

The following are emails between the AEB's CEO Joanne Ivy, the AEB's SVP of Marketing Kevin Burkum, the United Egg Producers' CEO Chad Gregory, and external contractor Anthony Zolezzi.

LAWS VIOLATED BY USDA'S AEB

7 U.S.C. § 2706(a); 7 C.F.R. § 1250.341(e)

The USDA's AEB is not authorized to "influence governmental policy or action, or to fund plans for projects which make use of any unfair or deceptive acts."

7 U.S.C. § 2707(g)

The law requires that any contracts or agreements for program activities provide that they "become effective upon the approval of the Secretary."

(b) (6)

From: Joanne Ivy
Sent: Tuesday, December 17, 2013 9:04 AM
To: Kevin Burkum
Cc: John Howeth; Mitch Kanter
Subject: RE: Just Mayo

Thanks. I am saving that info. As you know, Anthony said he could block having Just Mayo sold at Whole Foods. Joanne

Joanne C. Ivy, CAE | President & CEO
American Egg Board
O 847.296.7043 | D 224.563.3701 | C (b) (6) PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org

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If you have received this email in error, please advise the sender, and delete it from your computer.

-----Original Message-----

From: Kevin Burkum
Sent: Tuesday, December 17, 2013 8:02 AM
To: Joanne Ivy
Cc: John Howeth; Mitch Kanter
Subject: RE: Just Mayo

From: Joanne Ivy [mailto:Jivy@aeb.org]
Sent: Tuesday, December 03, 2013 9:01 AM
To: Chad Gregory
Subject: FW: Beyond Eggs

I was going to see what Kevin thought about following up on Anthony statement, but I sent to you first. So, please provide Anthony's contact information. I will go ahead and ask him to make the call. Thanks. Joanne

From: Joanne Ivy
Sent: Tuesday, December 03, 2013 7:58 AM
To: 'Chad Gregory'
Subject: Beyond Eggs

Kevin, I was thinking about writing Chad and cc those attending the meeting who would remember Anthony's statement. See below. **Actually, if Anthony can prevent Beyond Eggs on the shelves, it would be worth it.** He said he would do it, but he probably assumed that we would pay him for it. Although, he just said he would make the call – no fee mentioned. What if I sent the following to Chad?

Chad, The article on Beyond Eggs in your November 22 United Voices reminded me of a comment made by Anthony at the meeting with Tom Hall. Although it was first publicized that Whole Foods had the Beyond Eggs' *Just Mayo* on their shelves. They are now saying it will be fall. According to Anthony, it would only take a single call to Whole Foods to have them not take the Mayo . Anthony said he would make that call. However, I feel sure he wants to be paid for doing it. If it is that easy, I will contact Anthony and remind him to make the call unless his price is too steep.

“Anthony said he would make that call. However, I feel sure **he wants to be paid** for doing it. If it is that easy...”

-Joanne Ivy, AEB CEO



(b) (6)

Lutton, Sara - AMS

From: Joanne Ivy
Sent: Tuesday, December 23, 2013 12:12 PM
To: A2
Cc: Chad Gregory; Kevin Burkart
Subject: RE: Whole Foods & Beyond Eggs

Thanks! This is very much appreciated. Joanne

From: A2 [mailto:anthony@aleb.com]
Sent: Tuesday, December 23, 2013 9:54 AM
To: Joanne Ivy
Cc: Chad Gregory; Kevin Burkart
Subject: Re: Whole Foods & Beyond Eggs

Joanne will do - great to meet you, look forward to being able to work with you in the future. - A2

Anthony Zolezzi
562-413-5846

On Dec 23, 2013, at 9:54 AM, Joanne Ivy <ivy@aleb.com> wrote:

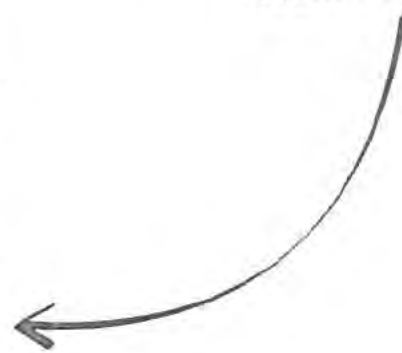
Good morning Anthony, it was a pleasure to meet you, Tom, and your associates at the meeting on November 20. I thought it was a good meeting. A lot of thoughts and ideas were presented in the 3 1/2 hour meeting, and we are still reviewing some of the ideas. As you were not aware, AEB has already done or is doing many of the ideas that were pitched, but I know that there are some ideas that we are interested in discussing further with Hal Worldwide.

In the meantime, I want to follow up on an offer you made at the meeting when we were discussing Beyond Eggs. You said that you could make a telephone call to Whole Foods to guarantee that they would not sell Beyond Eggs Just Mayo. It was first publicized that Whole Foods had the Beyond Eggs Just Mayo on their shelves, but we have checked and it is not currently available yet. They are now saying it will be fall. So, I would like to accept your offer to make that phone call to keep Just Mayo off Whole Foods shelves. Thank you in advance for placing the call to Whole Foods.

We will be getting back in touch with Tom in the coming weeks to discuss further some of his thoughts. Joanne

“I would like to accept your offer to make that phone call to keep *Just Mayo* off Whole Foods shelves.”

-Joanne Ivy, AEB CEO

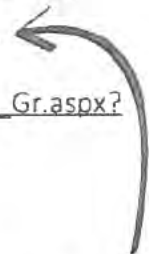




From: Elisa Maloberti
Sent: Thursday, December 19, 2013 8:57 AM
To: John Howeth
Subject: Whole Foods to drop Chobani Yogurt from their stores in 2014

If we can prove that the plant-based ingredients in Beyond Eggs are GMO, maybe Whole Foods would take notice and take action against Beyond Eggs like they've done to Chobani Yogurt. According to an article in Food Business News "Whole Foods Market challenged its Greek yogurt suppliers to create unique options for shoppers to enjoy — including exclusive flavors, non-G.M.O. options and organic choices." Imagine the PR buzz that can be created if Whole Foods was on our side...

http://www.foodbusinessnews.net/articles/news_home/Consumer_Trends/2013/12/Whole_Foods_to_drop_Chobani_Gr.aspx?ID=%7b0AA1215D-C547-4FB5-BD52-704EF4E25047%7d&e=emaloberti@aeb.org



Elisa Maloberti | Director of Egg Product Marketing

O 847.296.7043 | D 224.563.3711
PO Box 738 1460 Renaissance Drive, Park Ridge, IL 60068
AEB.org IncredibleEgg.org

"Imagine the PR buzz that can be created if Whole Foods was on our side.."
-Elisa Maloberti, Director of Marketing, AEB

4

The USDA's AEB, the egg industry, and Unilever strategized about stopping Hampton Creek, including influencing the FDA.

The following are emails that include AEB's CEO Joanne Ivy, SVP of Marketing Kevin Burkum, SVP of Foodservice Marketing John Howeth, and Director of Marketing Serena Schaffner.

LAWS VIOLATED BY USDA's AEB

7 U.S.C.A. § 2707

No funds collected by the Egg Board under the order shall in any manner be used for the purpose of influencing governmental policy or action.

7 U.S.C. § 2707(c)

Must be approved by the Secretary before becoming effective.

7 U.S.C. § 2706(a)

The USDA's AEB is not authorized to "influence governmental policy or action, or to fund plans for projects which make use of any unfair or deceptive acts."

From: Joanne Ivy
Sent: Friday, November 21, 2014 9:24 AM
To: Serena Schaffner
Cc: John Howeth; Kevin Burkum
Subject: Re: American Egg Board Follow Up

Great. I just wanted to make sure you had what you needed. Your response is good -- and accurate! Thanks for handling.

Oh, I believe I mentioned in an email yesterday that the counsel from Unilever called. If not, I am mentioning it now. I believe I provided him some basic information that was helpful, but let him know that AEB cannot make statements that would support Unilever's position. Joanne

Sent from my iPhone

“...the counsel from Unilever called....I believe I provided him some basic information that was helpful.”
-Joanne Ivy, AEB CEO

On Thu, Nov 20, 2014 at 10:52 AM, Joanne Ivy <JIvy@aeb.org> wrote:

Howard: I just got off the phone with a guy working with the Unilever case with Hampton Creek. He wanted me to say that we supported Unilever in this lawsuit against Hampton Creek, but I told him that we could not take a position. However, since the regulation requires egg in mayo and their product does not, I said that they should make sure that FDA is aware to address this situation. I feel sure they are aware, but maybe they need to be pushed. He also asked for a spokesperson and I said that we are not able to provide a spokesperson, but he may want to contact his egg supplier, because possibly someone with that company would be willing to talk about the benefits of real egg in mayo and false advertising with a none egg product. Just a thought. Joanne

“I just got off the phone with a guy working with the Unilever case with Hampton Creek...I said that they should make sure that FDA is aware to address this situation. **I feel sure they are aware, but maybe they need to be pushed.**”

-Joanne Ivy, AEB CEO

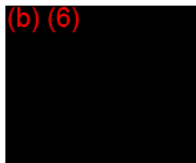
5

The USDA's AEB and the egg industry threatened Hampton Creek's CEO.

The following are emails between the USDA's AEB and US egg producers.

LAWS VIOLATED BY USDA'S AEB

Threats of violence violate numerous state and federal laws.



From: Mike Sencer <msencer@hiddenvilla.com>
Sent: Friday, October 31, 2014 11:59 AM
To: Debbie Murdock
Cc: Arnold Riebli (ariebli@nucalfoods.com); Steve Gemperle (sgemperle@gemperle.com); Gary West (gwest@jswest.com); gfooster@scegs.com; Joanne Ivy; Chad Gregory (chaduep@unitedegg.com)
Subject: Re: Disruptors in 2014: Hampton Creek Foods - Comments on Chickens and eggs

“...put a hit on him?”
 -Mike Sencer, EVP Hidden Villa

Can we pool our money and put a hit on him?



From: Mitch Kanter
To: Kevin Burkum
Subject: RE: More Beyond Eggs Love
Date: Tuesday, December 03, 2013 5:08:37 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png

“...you want me to contact some of my old buddies in Brooklyn to pay Mr. Tetrick a visit?”

-Mitch Kanter, EVP AEB

In the meantime, you want me to contact some of my old buddies in Brooklyn to pay Mr. Tetrick a visit?



6

The USDA's AEB hired Edelman, the world's largest crisis management firm, to lead a campaign against Hampton Creek. The USDA approved their key messages.

LAWS VIOLATED BY USDA'S AEB

7 U.S.C. § 2706(a); 7 C.F.R. § 1250.341(e)

The USDA's AEB is not authorized to "influence governmental policy or action, or to fund plans for projects which make use of any unfair or deceptive acts."

AMS guidelines, Section IX.D

"AMS will disapprove any advertising considered disparaging are those that depict other commodities in a negative or unpleasant light via either overt or subjective video, photography, or statements (excluding those that are strictly comparative)."

7 U.S.C. § 2707(g)

The law requires that any contracts or agreements for program activities provide that they "become effective upon the approval of the Secretary."

From: Englert, Jenny [mailto:Jenny.Englert@edelman.com]

Sent: Wednesday, January 29, 2014 10:35 AM

To: Mia Roberts

Cc: Joanne Ivy; Kevin Burkum; Kristin Livermore; John Howeth; Mitch Kanter; Maher, Missy; Liuzzi, Andrew; Jensen, Elizabeth (Schreiber); Grosshandler, Jennifer; Schaffner, Serena; Burch, Kellie

Subject: Beyond Eggs Blogger Key Messages

Hi Mia,

As promised, we've pulled together the below key messages (USDA approved) that we'll be asking our Beyond Eggs bloggers (full list below) to weave into their blog posts. As you may recall, their posts will encourage their readers to make a conscious decision to choose real and sustainable foods, like eggs, on their path to a healthier lifestyle.

Once we receive your approval on these messages, we'll reach out to our bloggers to begin posting, beginning next week and update you at the end of each week on our progress. In the meantime, let us know if you have any questions.

Best,

Jenny

EXHIBIT [E]

American Egg Board and Edelman
STATEMENT OF WORK
PROJECT NAME: BEYOND EGGS OUTREACH
November 1, 2013 – January 31, 2014

Pursuant to the Agreement by and between The American Egg Board ("Client") and Daniel J. Edelman Inc. doing business as Edelman ("Edelman") dated September 1, 2006, this Statement of Work is incorporated into and subject to the terms and conditions of the Agreement. The parties agree to the below Scope of Services and financial terms.

SCOPE OF SERVICES

Overview

Edelman supports the American Egg Board's (AEB) Beyond Eggs outreach program from November 1, 2013 – January 31, 2014. The partnership includes providing strategic counsel, media outreach and monitoring and blogger relations in regards to Beyond Eggs.

Deliverables/Milestones & Timeline

Program Element	Activities	Start & End Dates	Est. Fees	Est. Expenses	Est. Total
WSJ and HuffPo Letters to the Editor	Strategic counsel to date drafting, editing, submitting and follow up of 12 Letters to the Editor submissions to WSJ and Huffington Post	November 1, 2013- January 31, 2014	\$5,500	As incurred	\$5,500
Media Relations Monitoring and Follow-Up	Real-time response to Beyond Eggs coverage following up with top 25 print food, features and health reporters, monitoring and reporting		\$5,000	As incurred	\$5,000
Blogger Relations	Research and negotiations with 5-10 key influential bloggers in food and health/nutrition space drafting key messaging and coordinating posts. Includes OOPs for sponsored post; partnerships with bloggers		\$16,000	\$15,000	\$33,000

AEB/Edelman Contract

7

USDA's AEB paid bloggers to discredit Hampton Creek.

The USDA's AEB hired Edelman, the world's largest crisis management firm, to lead a campaign against Hampton Creek.

LAWS VIOLATED BY USDA'S AEB

7 U.S.C. § 2706(a); 7 C.F.R. § 1250.341(e)

The USDA's AEB is not authorized to "influence governmental policy or action, or to fund plans for projects which make use of any unfair or deceptive acts."

16 C.F.R. 255.5

Disclosure of any material connection between the endorser (i.e., blogger) and the sponsored advertiser (i.e., Egg Board).

7 U.S.C. § 2707(g)

The law requires that any contracts or agreements for program activities provide that they "become effective upon the approval of the Secretary."

Date: December 6, 2018
To: ABB
From: The Edelman ABB Team



Re: Beyond Eggs Blogger Recommendations

To support the Beyond Eggs outreach, we recommend working with a mix of influential food and registered dietitian bloggers, five to ten, to showcase the benefits of eating all-natural eggs. Please see below for our recommended approach along with bloggers we recommend engaging, in order of preference.

Approach

Engage five to ten food and registered dietitian bloggers to publish content on the many benefits of eggs to generate buzz and awareness for all-natural eggs versus egg replacers. We want to reach a lot of consumers with our messaging, so the goal is to secure participation from influential bloggers with large followings on their blogs and social channels. Because the influencers outlined below have a large following, they may ask for higher compensation so we will need to gauge their fees to determine exactly how many bloggers we can support within the budget of \$75,000 to \$100,000.

Blogger Roles/Responsibilities

- Each blogger will publish one blog post that will include the following key messages:
 - o Eggs are all-natural and packed with a number of nutrients, including high-quality protein. The quality of egg protein is so high that scientists often use eggs as the standard for measuring the protein quality of other foods.
 - o Egg farmers work hard to provide safe, nutritious food while maintaining the highest quality care for their hens. Today's hens are producing more eggs and living longer due to better health, nutrition and living environment.
 - o Egg production today uses fewer resources and produces less waste. A new Egg Industry Center study shows the industry has decreased greenhouse gas emissions by more than 70 percent and uses 52 percent less water over the past 50 years.
 - o At an average of just 15 cents apiece, eggs are the most affordable source of high-quality protein.
- Each blogger will Tweet 1-2 times. @IncrediblyEggs will retweet. Tweets may include:
 - o Links to the blog posts
 - o Egg recipes
 - o Nutrition nuggets
- Each blogger will post to Facebook 1-2 times. Facebook posts may include:
 - o Links to the blog posts
 - o Hashtag #TeamEggs
- All social media posts should use the hashtag #TeamEggs

Assets

- We will share the following assets with each blogger:
- Environmental fact sheet and infographic
 - Holiday fails/fixes list

8

USDA and its administrative board, the AEB, attempted to become a member of the American Association for Sauces & Dressings for lobbying purposes.

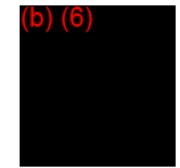
LAWS VIOLATED BY USDA'S AEB

7 U.S.C.A. § 2707

No funds collected by the Egg Board under the order shall in any manner be used for the purpose of influencing governmental policy or action.

U.S.C. § 2706

Must be "directed towards increasing the general demand" for eggs and egg products.



American Egg Board
Check Request Form

Date:
August 02, 2012

Voucher Number:

Issue Check To:
Association for Dressings & Sauces

Check Stub Description
Annual Membership Dues

Check Detail:

Amount

Check Detail:	Amount
Annual membership dues for Association of Dressings & Sau...	\$1,206.00
Total \$	\$1,206.00

Account Name:
MEMBERSHIPS & SUBSCRIPTIONS

Account Number:
38-830-10

From: Knight, Jacque [mailto:JKnight@kellencompany.com]
Sent: Tuesday, August 14, 2012 11:02 AM
To: Elisa Maloberti
Cc: Milewski, Jeannie; Smith, Donna
Subject: Membership with The Association for Dressings & Sauces (ADS)

Good morning, Elisa,

I hope this finds you well!

I was surprised to see your membership application and dues submission come through late last week! Unfortunately, as I noted to you in our phone conversation, because you don't actually fall into either category of membership (Manufacturer or Supplier), a conversation needed to be held with our Executive Director and possibly our Board. It has been determined that further input from our Board will be required and that discussion won't take place until October. Depending on how the Board wants to accommodate this potential new category of membership, it may be as late as the new year before we have resolution. As such, I have put in a check request to refund your payment.

I understand you are out of the office this week, but wanted you to be aware of the situation upon your return. I will circle back around when I have news for you.

Best regards,

Jacque Knight

Manager, Membership & Administration

The Association for Dressings & Sauces

1100 Johnson Ferry Road, Suite 300

Atlanta, GA 30342

From: Elisa Maloberti [<mailto:EMaloberti@aeb.org>]
Sent: Friday, August 17, 2012 9:40 AM
To: Knight, Jacque
Cc: Milewski, Jeannie; Smith, Donna; John Howeth (jhoweth@ioillc.com)
Subject: RE: Membership with The Association for Dressings & Sauces (ADS)

Hello Jacque,

Thanks for your thorough reply.

Would it be possible to for me to attend the October 2012 meeting as a guest?

Elisa Maloberti

Director of Egg Product Marketing

American Egg Board

Box 738

Park Ridge, il 60068

emaloberti@aeb.org

224-563-3711 direct dial

The following are agencies, entities, and companies listed in the disclosure.

USDA



incredible!

American Egg Board

The American Egg Board is an administrative board of the USDA



Reynolds, Leon - AMS

From: Mitch Kanter <MKanter@eggnutritioncenter.org>
Sent: Tuesday, December 03, 2013 5:09 PM
To: Kevin Burkum
Subject: RE: More Beyond Eggs Love

In the meantime, you want me to contact some of my old buddies in Brooklyn to pay Mr. Tetrick a visit?

From: Kevin Burkum
Sent: Tuesday, December 03, 2013 3:53 PM
To: 'Singer, Jamie'; Maher, Missy; Grosshandler, Jennifer; Schaffner, Serena; Jensen, Elizabeth (Schreiber); Kristin Livermore
Cc: Joanne Ivy; Mia Roberts; John Howeth; Mitch Kanter; Liuzzi, Andrew; Jaffe, Brad
Subject: RE: More Beyond Eggs Love

Thanks Jamie. Can't wait to start playing offense.

Kevin Burkum | *Senior Vice President of Marketing*

American Egg Board

O 847.296.7043 | D 224.563.3702 | F 847.296.7007
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
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Incredible!



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From: Singer, Jamie [<mailto:Jamie.Singer@edelman.com>]
Sent: Tuesday, December 03, 2013 3:47 PM
To: Kevin Burkum; Maher, Missy; Grosshandler, Jennifer; Schaffner, Serena; Jensen, Elizabeth (Schreiber); Kristin Livermore
Cc: Joanne Ivy; Mia Roberts; John Howeth; Mitch Kanter; Liuzzi, Andrew; Jaffe, Brad
Subject: RE: More Beyond Eggs Love

Kevin,

Thanks for sharing this link. We anticipate Beyond Eggs will continue to receive mainstream news coverage like this Bloomberg TV piece given the newness of the technology as well as its association with big names like Mr. Tetrick and Mr. Gates.

From this Bloomberg TV segment, it's clear to us that Mr. Tetrick is looking to picking a fight with the egg industry – he explicitly states he is going after the “inefficient” and “unsustainable” egg industry and criticizes the cage conditions of hens. That said, our recommendation is that AEB should not engage Mr. Tetrick in this forum. Rather, AEB should continue to focus on proactive opportunities to tell its story (i.e., identifying key reporters to go back to, pitch the environmental study, etc.) as opposed to being reactive to each individual story that focuses on Beyond Eggs.

Please feel free to let us know if you have any questions.

Best,
Jamie

Exhibit 3

Page 1 of 2

From: Kevin Burkum [<mailto:KBurkum@aeb.org>]

Sent: Tuesday, December 03, 2013 3:22 PM

To: Maher, Missy; Grosshandler, Jennifer; Singer, Jamie; Schaffner, Serena; Jensen, Elizabeth (Schreiber); Kristin Livermore

Cc: Joanne Ivy; Mia Roberts; John Howeth; Mitch Kanter

Subject: More Beyond Eggs Love

See link below to yet another love letter to our friend Josh, this one from Bloomberg TV. He continues to kick our a__ in PR.

<http://www.bloomberg.com/video/the-ceo-obsessed-with-making-eggs-without-chickens-pwIZGz1NRcO2hhul3iFTAQ.html>

Kevin Burkum | *Senior Vice President of Marketing*

American Egg Board

O 847.296.7043 | D 224.563.3702 | F 847.296.7007

PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068

IncredibleEgg.org AEB.org



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City: Park Ridge
State: IL

I, Mitchell M. KANTER, being duly sworn on oath, make the following statement freely and voluntarily to Jeffrey J. SOTOSKY, who has identified himself to me as a Compliance Officer, with the Agricultural Marketing Service, USDA, knowing this statement may be used in evidence.

I am the Executive Director for the Egg Nutrition Center (ENC) and I have been in this position since August 2009. My immediate supervisor was Joanne IVY, former President AEB before she retired in September 2015. IVY was my supervisor from August 2009 until she retired.

ENC is the research arm of the American Egg Board. My duties and responsibilities include overseeing the activities of the ENC which include research, education, and relationships primarily with health professional organizations. As part of my duties and responsibilities, I am aware of where AEB funds should be spent. I was aware of my duties and responsibilities when I was hired with ENC, and I would be able to obtain that job description. I have annual performance evaluations and my last one was completed approximately one week ago. IVY used to complete my evaluation, but since she has retired it was conducted by Paul SAUDER, Chairman, R.W. Sauder Inc. and Blair VAN ZETTEN, Vice Chairman, Oskaloosa Food Products, Oskaloosa, IA. My last performance evaluation listed key accomplishments for myself and my team for 2015.

To conduct my duties and responsibilities I have an email account. My email address is mkanter@eggnutritioncenter.org. I am the only person sending emails from my AEB email account. There is a password to get to my AEB account.

The AEB employees under my immediate supervision are Tia RAINS, Senior Director, Nutritional Research & Communications, ENC. RAINS has been employed with ENC for about 2.5 years. Her duties and responsibilities include overseeing the research program and the education publications. RAINS was advised of her duties and responsibilities by me when she was hired and they are in writing. RAINS has worked under my direct supervision since she started working at ENC. Also, I supervise an employee Rachel BASSLER, Senior Manager of Communications, who just started working at ENC in October 2015.

As part of my duties and responsibilities I interact with Kenneth PAYNE, Director, Research and Promotion Division, Livestock, Poultry, and Seed Program (LPS) often. From my understanding PAYNE's duties and responsibilities include overseeing the ENC/AEB to make sure we adhere to the guidelines in respect to the check off programs. If I need to communicate with PAYNE I know how to get in contact with him. I have known PAYNE for about 1.5 years. I used to work with Angela SNYDER, USDA, who was the USDA contact regarding oversight of the checkoff funds. Also, for a short time Emily DEBORD was the USDA oversight point of contact.

I am aware of the Federal regulations and information set forth in the Egg Research and Consumer Information Act and other egg board related procedures that assessed funds were to be used for the effective and continuous coordinated program of research, consumer and producer education, and promotion designed to strengthen the egg industry's position in the marketplace,

and maintain and expand domestic and foreign markets and uses for eggs, egg products, spent fowl, and products of spent fowl of the United States. The regulations also mentioned no such advertising, consumer education, or sales promotion programs shall make use of unfair or deceptive acts or practices on behalf of eggs, egg products, spent fowl, or products of spent fowl or unfair or deceptive acts or practices with respect to quality, value, or use of any competing product. I was initially made aware of the aforementioned regulation when I was hired, but I also learned more information as I began working for ENC.

The purpose of the AEB is to market and promote eggs, the egg industry and egg producers. If I felt members of the Egg Board or the AEB staff conducted themselves in an inappropriate manner concerning the AEB's function as established through federal regulations I know I could contact PAYNE. I could contact the USDA Office of Inspector General if necessary, but I would probably go to PAYNE first seeing that I have a working relationship with him and he is our USDA POC. I have never been given any direction to contact the USDA OIG office if I thought there was an issue.

The members of the American Egg Board's Executive Committee (Executive Committee) are SAUDER; VAN ZETTEN; Scott RAMSDELL, Secretary, Dakota Layers LLP, Flandreau, SD; Clint HICKMAN, Treasurer, Hickman's Egg Ranch, Buckeye, AZ; Andrew REICHMAN, Parker & Reichman Inc., Andrews, NC; and Tom HERTZFELD II, Hertzfeld Poultry Farms, Inc., Grand Rapids, OH. Either Roger DEFFNER, National Food Corp., Everett, WA or Chris PIERCE is the Immediate Past Chairman. I do not always deal with the Executive Committee, so some of the names listed above may not be current and I am not sure how long they have served in their positions. The Executive Committee is responsible for overseeing the processes and activities of the AEB including the activities of the CEO and Chair.

AEB funds should be used for marketing and promoting eggs, the egg industry and egg producers. When funds are expended there are certain steps to follow depending on the expenditure. When funds are needed for a research project USDA has to approve the funding and the contract before any expenditures. Sometimes we conduct smaller projects such as brochures where we go to USDA later in the process to approve specific language to make sure we are not out of regulation. Also, if AEB decided to use an outside contractor to conduct work we would discuss details then ultimately go to the USDA for approval of the contract.

I am aware of Josh TETRICK, Owner of Hampton Creek and his products to include Just Mayo and Beyond Eggs. I have been aware of TETRICK and his products for at least two years. TETRICK claims his products use non-animal proteins and other alternatives to eggs. I have known this since I've heard about TETRICK. To my understanding TETRICK's product, Just Mayo, could be best described as an eggless mayonnaise.

There are a number of non-egg mayo products such as Miracle Whip. There are also other companies similar to TETRICK's that are trying to create food alternative products and some have been around for a long time.

The agencies we have used for the promotion, research and marketing of projects and studies with respect to sale, distribution, marketing, utilization, or production of eggs, egg products,

spent fowl, and products of spent fowl, and the creation of new products are Edelman and Graphic Partners. There are a lot of smaller local agencies that do business for ENC. Edelman has been AEB's primary public relations company for at least the past six years. As for ENC Edelman has assisted us with marketing our research and educational materials to the health industry, and crisis management when issues arise. AEB/ENC representatives speak with representatives from Edelman on a daily basis about various topics.

I am assuming that when I first started hearing about TETRICK and his Just Mayo product Edelman was made aware and provided advice to AEB on how to handle the situation. Based on my position with ENC I was not involved with Edelman regarding Hampton Creek. I got involved because some of the claims TETRICK was making about his product were that his product was more nutritional than eggs. I cannot recall where the request came from, but I was asked to be interviewed to discuss the nutritional difference between a vegetable protein and egg protein which I did. This may have been in December 2013. During the interview I stated how egg proteins were superior to vegetable proteins, but I never mentioned anything about TETRICK or any of his products. I knew that I was not allowed to speak badly about another company and I did not. I stuck strictly to the science.

Edelman was already AEB's main public relations company, so when the topic of Hampton Creek came up they were the company to advise AEB. They were not called in because of Hampton Creek. I was not aware of any specific contract between AEB and Edelman specifically regarding Hampton Creek/Beyond Eggs. I had no part in approving any funds for Edelman to address Hampton Creek/Beyond Eggs. My dealing with Edelman regarding Hampton Creek was limited to briefings by Edelman prior to conducting interviews/briefings.

To my knowledge Edelman has an annual contract with AEB to provide advice. I was not aware of a separate contract with Edelman for matters specifically related to Hampton Creek. To the best of my knowledge the use of Edelman was for the promotion, research and marketing of projects and studies with respect to sale, distribution, marketing, utilization, or production of eggs, egg products, spent fowl, and products of spent fowl, and the creation of new products only.

Edelman Crisis Management team is used when high profile issues are raised, they advise AEB on how to respond. The Edelman Crisis management team is one of the services they provide and we have used them on several occasions to include avian flu outbreaks and responding to negative or positive research regarding eggs. The team would consist of certain Edelman employees depending on the specific issue. Andy LUIZZI is an Edelman employee who was involved with the team regarding Hampton Creek. He was also one of the Edelman employees who I spoke to prior to conducting interviews.

Contracting Edelman was not used for the purpose of deterring someone from buying an egg alternative product such as Beyond Eggs Just Mayo. I am not sure who would have been responsible for using Edelman to advise on the matter regarding Hampton Creek.

I reviewed an email dated December 4, 2013 from Karyn KREHER (former AEB Chairman), Director of Food Safety and Quality Assurance, Kreher's Farm Fresh Eggs, which contained the

signed November 7, 2013 AEB Board minutes. The minutes stated that I provided a brief update on the Beyond Eggs product as a follow up to a conversation initiated during the last committee meeting. The minutes indicated that I said that John HOWETH, Senior Vice President of Foodservice and Marketing, AEB and his team were leading the project since it was related to food production. I do not recall anyone asking me to provide an update on Beyond Eggs, but I heard AEB was getting calls from producers who were concerned about Hampton Creek's claims. I gave a quick three minute update to the Nutrition Committee. Based on my educational background regarding proteins, I was skeptical of the Hampton Creek claims about having a novel highly functional egg replacer. Never the less, I just wanted producers to feel assured that we (AEB) were on top of it, meaning that we would keep an eye on it.

I reviewed an email with the subject "Why I Farm" dated December 9, 2013 from IVY to Mia ROBERTS, Vice President of Strategic Operations, AEB. John HOWETH, Senior Vice President of Foodservice and Marketing; Kevin BURKUM, Senior Vice President of Marketing, AEB and I were cc'd. The email thanked ROBERTS for pulling together a deck as it was an excellent starting point for this project. The email went on to say IVY was going to schedule a meeting to address Beyond Eggs. The email had comments to include IVY mentioning we needed to be careful how we fought back against Beyond Eggs, she did not think we should mention Beyond Eggs by name but should mention egg farmers produce a natural, real food. I do not directly receiving the email, but it rings a bell. Considering what was going on at the time with Hampton Creek talking about how dirty the egg industry is and how they were going to put the egg industry "out of business" I do not see anything wrong with the email. I believe IVY comment about "fight back" was referring to enforcing the positive about eggs. I am not sure how many meetings took place at AEB regarding Hampton Creek if any because I cannot think of one meeting that I attended that was held specifically to address Hampton Creek.

I reviewed an email dated December 16, 2013 from IVY that was sent to Missy MAHER, Edelman; BURKUM and I with the subject "Beyond Egg Budget". The email went on to mention earlier in the day the Executive Committee approved a \$59,500 Beyond Eggs budget from the Administrative Special Projects budget. IVY went on to say she would have invoices sent to BURKUM for his review first and then forward to IVY for her review and adding an account number. I do not recall receiving this email and I had no part in approving those funds or reviewing invoices. I was not aware of this \$59,500 Beyond Eggs budget and I do not know how this money was spent. I can see how this could be perceived by itself, but I do not know how these funds were used. I was not aware of any statement of work regarding Beyond Eggs.

I reviewed an email with the subject "FW: Eggs and GMO" dated January 9, 2014 from BURKUM to IVY and I. The email was within a string of emails where BURKUM had contacted Roger GLASSHOFF, former USDA AMS LPS employee, regarding who he could contact at the Food and Drug Administration (FDA) concerning a Just Mayo labeling violation. I did not contact the FDA concerning TETRICK's company/products. I had no direct involvement in this. I am not aware that anyone contacted the FDA regarding this matter nor did I hear anyone talk about contacting the FDA. To my knowledge AEB funds were not used to try to influence governmental policy or action. I am not sure what IVY meant when she said "ok let's do it", but may have been saying to contact the FDA based on what GLASSHOFF wrote. I am

not sure why I was even copied on this email. It may have been because I dealt with GLASSHOFF on occasion regarding GMO's.

I reviewed an email dated February 27, 2014, from me to Anna SHLACHTER, Edelman, with the subject "FW: Board meeting Agenda". The email contained an attachment titled "2 25 14March 2014 Topic Assignments draft (3).doc" which was the topic responsibilities for the 2014 ENC board meeting. I most likely provided a short update on Beyond Eggs since the fall 2013 meeting and may have related what I said during a media interview (based on the agenda notes).

I reviewed an email dated March 24, 2014 from HOWETH to me with the subject "RE: Beyond Eggs" with an attachment titled "Thoughts on Beyond Eggs.docx". Under Consumer Media it mentioned leveraging paid search on Google, Bing and Yahoo, so when customers search for Beyond Eggs they would also see a link to IncredibleEgg.org's section on the 50 year environmental study. I do not have a role in consumer media portion that is BURKUM's field. I was involved in the "Expert Opinions" portion of the paper. I had been provided with a Beyond Eggs patent. I believe HOWETH provided it to me. I reviewed it and asked for further input from two external experts, Gil LEVEILLE, Independent Professor (retired) and Tong WANG, Professor at Iowa State University, to provide an objective assessment of the patent. They both said the product was "nothing special". This was just due diligence (an activity we conduct often when we have questions regarding research or technology that may require insights from external experts) and I feel the analysis of the patent was objective and appropriate. I believe I may have paid them \$500.00 each for their review, which is within the budget limit that I am authorized to spend without authorization. I believe any expenditure over \$5,000 require approval from the AEB CEO. The money came out of the ENC budget, but I cannot recall the line item.

I reviewed an email dated March 27, 2014 where I responded to IVY's email regarding the Beyond Egg's survey telling her that would be good information to have while in Vienna. In the event that anything came up regarding Beyond Eggs at the international meeting I would have something to report. I did not have any involvement with this survey, but I do not recall having any issues with the survey. I believe a lot of what AEB did regarding Hampton Creek was due diligence to know what you are dealing with meaning Hampton Creek. Especially when producers are asking questions about the product and what the AEB is doing to find out more about it.

I have heard second hand that bloggers were contacted on behalf of AEB concerning TETRICK's company/products, but that was only after a formal complaint was filed. BURKUM mentioned something about it to me and said that he did not feel he did anything wrong, but I do not have any other details. To my knowledge bloggers were not hired to attack TETRICK or his company/products. I did not receive emails containing bloggers articles related to TETRICK's company/products.

I have no direct knowledge that the AEB authorized the use of \$59,500 for purposes to include outreach, research, marketing and projects involving Hampton Creek, Beyond Eggs or its

affiliates. However, after seeing the email where \$59,500 was allotted for Beyond Eggs I cannot be for sure.

I have no knowledge that any AEB employees attempted to join or joined the Association for Dressings & Sauces (ADS).

I reviewed an email dated August 20, 2013, with the subject "RE: Beyond Eggs". The email was sent from IVY to Missy MAHER; Elizabeth JENSEN; and Serena SCHAFFNER. I was cc'd. The email related that IVY wanted Edelman to look at the beyond eggs product as a crisis and a major threat to the future of the egg product business. I do not specifically recall the email, but I feel that IVY's comments about the product being a major threat was an overreaction based on the science of the Beyond Eggs product.

I reviewed an email dated December 3, 2013, from me to BURKUM with the subject "RE: More Beyond Eggs Love". In the email I asked BURKUM if he wanted me to contact some of my old buddies in Brooklyn to pay TETRICK a visit. This email was clearly a joke.

I reviewed an email dated December 17, 2013, from IVY to BURKUM with the subject "RE: Just Mayo". I was cc'd. IVY related that Anthony said he could block having Just Mayo sold at Whole Foods.

Now that there has been a complaint raised this email looks familiar, but I have no direct knowledge that Anthony ZOLEZZI ever conducted any work for AEB or that he contacted Whole Foods in order to stop the Just Mayo product from being sold. I never attended any meeting where ZOLEZZI was present.

I reviewed an email dated January 29, 2014, from Jenny ENGLERT to ROBERTS with the subject "Beyond Eggs Blogger Key Messages". I was cc'd. The email related that Edelman pulled together keys messages (USDA approved) that they would be asking the Beyond Eggs bloggers to weave into their blog posts. I had no direct knowledge of how AEB uses bloggers.

Based on my knowledge of what Edelman did on behalf of AEB, I do not think it was an unfair or a deceptive act or practice.

Besides what I saw in the complaint, I have no knowledge that anyone from AEB contacted Unilever and provided information about Hampton Creek.

I recall being asked to pull emails pertaining to Hampton Creek because of a Freedom of Information Act (FOIA) request. I was most likely contacted by IVY to pull the relevant emails and I would have sent them back to her or forwarded them to our IT Director, Frank GRAY. I provided all of the information that I had and I did not leave anything out.

I reviewed an email dated July 10, 2015, with the subject "Re: Hampton Creek Signs Kathleen Sebelius" from IVY to me and other AEB and Edelman employees. In the email IVY directed us

to delete any emails pertaining to Hampton Creek once we responded. She also noted that she already deleted her emails and deleted her trash. I received the email, but I do not specifically recall it and I was not that involved with Hampton Creek at that time.

I never maliciously deleted or attempted to delete emails regarding Hampton Creek, Beyond Eggs or Just Mayo. I may have deleted emails and kept the longer string. Besides the aforementioned email nobody ever directed or advised me to delete emails. We never had any meeting to discuss deleting messages.

I have read this statement consisting of seven pages and have been given the opportunity to make additions or corrections. It is true, complete and correct to the best of my knowledge.

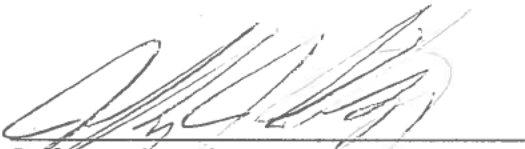
//////////////////////////////////////END OF STATEMENT//////////////////////////////////////

(b) (6)


Mitchell M. KANTER

12-14-15
Date

Subscribed and Sworn to
before me this
14th day of December 2015



Jeffrey J. Sotosky
Compliance Officer
Agricultural Marketing Service
U.S. Department of Agriculture

Reynolds, Leon - AMS

From: Mike Sencer <msencer@hiddenvilla.com>
Sent: Friday, October 31, 2014 11:59 AM
To: Debbie Murdock
Cc: Arnold Riebli (b) (6); Steve Gemperle (b) (6)
Gary West (b) (6) (b) (6) Joanne Ivy; Chad Gregory
(b) (6) Joanne Ivy
Subject: Re: Disruptors in 2014: Hampton Creek Foods - Comments on Chickens and eggs

Can we pool our money and put a hit on him?

Sent from my iPhone

> On Oct 31, 2014, at 8:38 AM, Debbie Murdock <debbie@agamsi.com> wrote:
>
> <http://www.cnbc.com/id/101727335>
>

Exhibit 5

Page 1 of 1

City: Washington
State: DC

I, Michael Irving SENCER, being duly sworn on oath, make the following statement freely and voluntarily to Leon R. REYNOLDS who has identified himself to me as a Compliance Officer, with the Agricultural Marketing Service, USDA, knowing this statement may be used in evidence.

I am the Senior Vice President of Hidden Villa Ranch dba Nest Fresh in Fullerton, CA. I have been involved in the egg industry since 1971.

On October 31, 2014, I received an email from Debbie MURDOCK who works for Association Management Services. The email had a link <http://www.cnn.com/id/101727335> that went to an article titled Disruptors in 2014: Hampton Creek which was about Josh TETRICK Founder and CEO of Hampton Creek Foods.

On the same date, October 31, 2014, I sent an email response with the subject Re: Disruptors in 2014: Hampton Creek Foods-Comments on Chickens and eggs to MURDOCK, Arnold RIEBLI of NuCal Foods, Steve GEMPERLE of Gemperle Family Farms, Gary WEST of JS West Companies, Joanne IVY, who was the President and CEO of the American Egg Board (AEB); and Chad Gregory, President and CEO, United Egg Producers. In the email I wrote, "Can we pool our money and put a hit on him?" When I said "hit" I was jokingly referring to putting TETRICK out of business because his company is a threat to the egg industry. The "him" I was referring to was TETRICK. I wrote this email from my work email address which was msencer@hiddenvilla.com. This message that I sent was a joke. I did not and do not have any intentions of putting a "hit" on TETRICK or anyone else.

I have since apologized to TETRICK for making this comment because my comment was totally inappropriate. I have received threats, in response to my comment, from people I do not know. None of the threats came from anyone from AEB or the USDA. No one from AEB or USDA told me to send the email to others or collaborated with me concerning the comments. I made the comments by myself.

In response to the threats I deleted the text threats and did not call any law enforcement agency. I am embarrassed for my conduct in making this comment about TETRICK.

I have read this statement consisting of two pages and have been given the opportunity to make additions or corrections. It is true, complete and correct to the best of my knowledge.

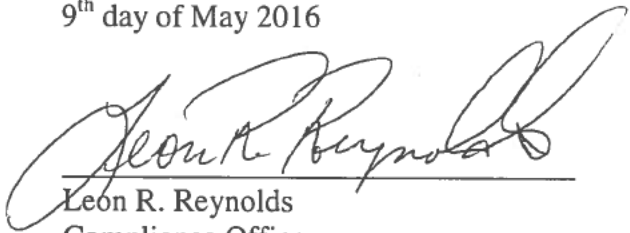
//////////////////////////////////////END OF STATEMENT//////////////////////////////////////

(b) (6)

Michael I. SENCER

5/9/16.
Date

Subscribed and Sworn to
before me this
9th day of May 2016



Leon R. Reynolds
Compliance Officer
Agricultural Marketing Service
U.S. Department of Agriculture

Sotosky, Jeffrey - AMS

From: Joanne Ivy <JIvy@aeb.org>
Sent: Wednesday, December 04, 2013 11:56 AM
To: 'Roger Deffner'; 'Greg Herbruck'; Blair Van Zetten; 'Paul Sauder'; Paul Sauder; Pat Stonger; ANDREW REICHMAN (b) (6) Chris Pierce
Subject: Meeting with Tom Hall update

To Executive Committee: I thought I would provide a brief update on the meeting scheduled by Chad Gregory to meet Tom Hall and his associates. There were three presenters – Tom Hall, Anthony Zolezzi (who helped UEP broker the partnership with HSUS), and Bill Nicholson. While they are each entrepreneurs, they appear to partner together on special projects under the banner “Hall Worldwide.” Attending from the egg industry were Roger Deffner, UEP Chair Jim Dean, Ron Truex, Bob Krouse, Chad Gregory, David Inall, Kevin Burkum and me.

Tom Hall is a seasoned advertising professional and was the main presenter. He has worked with ad agencies such as J. Walter Thompson and Ogilvy & Mather. Honestly, I feel those companies are no more impressive than Grey, Starcom, and Edelman. During this 3 ½ hour session, they presented a long list of potential tactics and ideas without any regard to budget or strategic relevance or accuracy. However, it does appear that they are a well-connected group, which could potentially benefit the egg industry. For instance, Mr. Zolezzi proclaimed that he could stop the distribution of Beyond Eggs at Whole Foods “with just a phone call.” I have already followed up on this offer and am anxious to see how it goes.

There were four or five additional areas that we plan to further explore with them to see if/how we might be able to work together. Again, I think one area could be leveraging their contacts, if needed.

We will provide another update after we have followed up with Hall Worldwide. Joanne

UNITED STATES DEPARTMENT OF AGRICULTURE

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COMPLIANCE & ANALYSIS

+ + + + +

THURSDAY,
FEBRUARY 25, 2016

The interview of Roger Deffner under
AMS Compliance Branch Review L-014-15 began at
10:00 a.m. in the United States Department of
Agriculture.

Interview of:

ROGER DEFFNER

By:

LEON REYNOLDS
JEFFREY SOTOSKY

Exhibit 8

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Appearances:**On Behalf of the Agency:**

LEON REYNOLDS
Assistant Branch Chief
AMS Compliance Branch
1400 Independence Avenue, SW
Room 2095 - S, Stop 0203
Washington, DC 20250
202-729-2374
leon.reynolds@ams.usda.gov

and

JEFFREY SOTOSKY
Compliance Officer
AMS Compliance Branch
1400 Independence Avenue, SW
Room 1114 - S, Stop 0203
Washington, DC 20250
202-720-3308
jeffrey.sotosky@ams.usda.gov

On Behalf of the Witness:

of: ALEX MENENDEZ, ESQ.
McLeod Watkinson & Miller
One Massachusetts Avenue, N.W.
Suite 800
Washington, D.C. 20001
202-842-2345
amenendez@mwmlaw.com

Exhibit 8Page 2 of 84

1 P-R-O-C-E-E-D-I-N-G-S

2 10:15 a.m.

3 MR. REYNOLDS: Good morning. Today is
4 Thursday, February 25th, and the time is 10:14
5 a.m., eastern standard time, and we are in the
6 South Building of the United States Department of
7 Agriculture.

8 My name is Leon Reynolds, and I am a
9 Compliance Officer with the Agricultural
10 Marketing Service, United States Department of
11 Agriculture.

12 This interview is being conducted as
13 part of an AMS Compliance Branch review, L-014-
14 15. The information provided in this interview
15 will be taken under oath and made part of the
16 official record or report, for Compliance Branch
17 review L-014-15.

18 Present for this interview are?

19 MR. SOTOSKY: Jeffrey Sotosky,
20 Compliance Officer with the AMS Compliance
21 Branch.

22 MR. DEFFNER: Roger Deffner, Vice

Exhibit 8

1 President of National Food.

2 MR. MENENDEZ: Alex Menendez from
3 McLeod, Watkinson & Miller, attorney for the
4 American Egg Board.

5 MR. REYNOLDS: Mr. Deffner, this
6 interview is being transcribed with your
7 knowledge and consent. Is this correct?

8 MR. DEFFNER: Correct.

9 MR. REYNOLDS: Mr. Deffner, could you
10 please say and spell your name for the
11 transcriber?

12 MR. DEFFNER: Roger Deffner, R-O-G-E-
13 R, D-E-F-F-N-E-R.

14 MR. REYNOLDS: Would you please stand
15 and raise your right hand?

16 Whereupon,

17 ROGER DEFFNER

18 was called for examination by Counsel, having
19 been first duly sworn, was examined and testified
20 as follows:

21 MR. REYNOLDS: For clarification, Mr.
22 Deffner, there may be times during the interview,

Exhibit 8

1 will mention Egg Board and American Egg Board.
2 When I say Egg Board, I am referring to the
3 individuals who have been appointed to such
4 position by the United States Secretary of
5 Agriculture.

6 When I mention the American Egg Board,
7 I'm referring to the staff that is based outside
8 of Chicago, Illinois, and was led by Joanne Ivy,
9 who was the President and CEO of the American Egg
10 Board. Do you understand?

11 MR. DEFFNER: Yes.

12 MR. REYNOLDS: What year did you
13 become a member of the Egg Board?

14 MR. DEFFNER: I don't recall exactly.
15 I think I've been on the Board for approximately
16 eight years, or something like that.

17 MR. REYNOLDS: So, eight years going
18 back to possibly 2008 time frame?

19 MR. DEFFNER: Yes, that sounds about
20 right. That's not exact. Probably, but close.

21 MR. REYNOLDS: What year did you
22 become a member of the Executive Committee of the

Exhibit 8

1 Egg Board?

2 MR. DEFFNER: I believe it was in
3 2011.

4 MR. REYNOLDS: And please explain the
5 duties and responsibilities of the Executive
6 Committee of the Egg Board.

7 MR. DEFFNER: Oversees staff of
8 American Egg Board. Approves and the -- the
9 programs that staff brings to the Board, and is
10 in general, works with USDA in administering the
11 programs that the staff brings to the Board.

12 In addition to that, they're also
13 responsible for the payroll, and you know, the --
14 they act as the financial committee, as well,
15 Executive Board does.

16 MR. REYNOLDS: Now, what positions
17 have you held on the Executive Committee?

18 MR. DEFFNER: I believe I was -- I
19 believe I was -- I think it was just two. I
20 think I was the Secretary and I was Chairman, I
21 believe. I need to verify that.

22 MR. REYNOLDS: And what were the years

Exhibit 8

1 you served in each position?

2 MR. DEFFNER: I don't recall. As
3 Chairman, 2013. I don't recall the position
4 years.

5 MR. REYNOLDS: Can you explain the
6 duties and responsibilities of each position you
7 held on the Executive Committee?

8 MR. DEFFNER: Well, as Secretary, you
9 would, you know, record minutes or review
10 minutes, as presented by staff, and present at
11 the Executive Committee -- I mean, at the Board
12 meetings, and as Chairman, you would execute the
13 Executive Committee meetings and preside over the
14 Board meetings, which is three times a year.

15 MR. REYNOLDS: What is the purpose of
16 the Egg Board?

17 MR. DEFFNER: To promote the
18 attributes and positive aspects of eggs and egg
19 products. Sell more eggs.

20 MR. REYNOLDS: Now, you said you
21 preside -- you had meetings three times a year,
22 and I'm going back to the Executive Committee

Exhibit 8

1 meetings.

2 MR. DEFFNER: That's the Board
3 meetings and Executive Committee meetings.

4 The Executive Committee meets the day
5 before the Board meeting.

6 MR. REYNOLDS: Okay, and was there a
7 particular time of year that each of these
8 meetings occurred?

9 MR. DEFFNER: Yes, Spring, Summer and
10 Fall.

11 MR. REYNOLDS: Any particular month?

12 MR. DEFFNER: I think it varies, but
13 primarily March, June and October or November,
14 depending, but they would vary some.

15 MR. REYNOLDS: Okay, as Chairman of
16 the Executive Committee, did you have oversight
17 of Joanne Ivy, as it related to her duties and
18 responsibilities with the American Egg Board?

19 MR. DEFFNER: Correct. Technically,
20 yes.

21 MR. REYNOLDS: And just explain what
22 that oversight included.

Exhibit 8

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1 MR. DEFFNER: Well, basically, it
2 would be working with Joanne, you know. Staff
3 would be -- would develop the programs. They
4 were -- they were the professionals in developing
5 the programs of the Committees, of each
6 Committee, to expressly carry out the -- the
7 programs as approved, USDA-approved programs, to
8 you know, effectuate the selling, you know, what
9 we talked about earlier, to promote and sell more
10 eggs.

11 So, those programs would be -- would
12 be discussed and reviewed, and brought to the
13 Committee. Each Committee would have their own
14 agenda, their own programs, their own budgets.
15 Those would be brought to the Executive Committee
16 for approval. They would also be presented at
17 the Board meeting for approval.

18 MR. REYNOLDS: As a member of the Egg
19 Board, did you interact with the American Egg
20 Board staff, besides Ivy? I mean, obviously, you
21 just explained that, but with her staff?

22 MR. DEFFNER: Yes, some.

Exhibit 8

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1 MR. REYNOLDS: And just explain what
2 that interaction involved.

3 MR. DEFFNER: Well, as Chairman -- as
4 -- can you repeat the question?

5 MR. REYNOLDS: Sure. As a member of
6 the Egg Board, did you interact with the American
7 Egg Board staff?

8 MR. DEFFNER: Yes, to some extent. I
9 mean, we would certainly -- you know, each staff
10 would -- member is a -- well, not everyone, but
11 primarily the primary American Egg Board staff
12 members were responsible for a Committee, and so,
13 each of those committees would, as I said
14 earlier, bring their programs for review and
15 presentation at the Board meetings.

16 So, obviously as the Board, we would
17 interact with them, reviewing the programs and
18 developing those -- those strategies and how to
19 best present those programs. So, yes.

20 MR. REYNOLDS: Now, how often were you
21 in contact with Joanne Ivy, as the Chairman of
22 the Executive Committee?

Exhibit 8

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1 MR. DEFFNER: It would vary. You
2 know, she would copy me on emails occasionally.
3 We would have phone calls occasionally.

4 During the -- I think I made one
5 additional trip to Chicago, outside of a Board
6 meeting, but other than that, it was usually, we
7 would meet at the Board meetings prior to the
8 staff meetings.

9 MR. REYNOLDS: So, between emails,
10 phone calls and trips, on average, how often were
11 you in contact with her? Was it, you know,
12 weekly? Once a day? Monthly?

13 MR. DEFFNER: Well, it was more
14 frequently than monthly. I would say two or
15 three times a month, probably, in addition to
16 Board meetings.

17 MR. REYNOLDS: As a member of the Egg
18 Board, were you familiar with the Egg Research
19 and Promotion Act and other federal regulations
20 concerning the purpose of the Egg Board and use
21 of Egg Board funds?

22 MR. DEFFNER: In general, yes.

Exhibit 8

1 MR. REYNOLDS: And are you aware the
2 Egg Research and Promotion Act are sometimes
3 referred to as the Act?

4 MR. DEFFNER: Yes.

5 MR. REYNOLDS: And you were saying in
6 reference to your knowledge -- what was your
7 knowledge?

8 MR. DEFFNER: Well, I mean, every
9 program and every message and everything we do as
10 American Egg Board is -- is in conjunction with
11 and approval of USDA.

12 So, it is well-defined and staff was
13 well-prepared on that, would see more of the
14 detail than us, as farmers, but they were well
15 aware of the details and -- of the Act, so to
16 speak.

17 But our knowledge was -- but
18 certainly, everything we did was at the approval
19 of and subject to approval of USDA, and that's
20 what we acted under.

21 MR. REYNOLDS: Who from the USDA was
22 the Executive Committee's point of contact during

Exhibit 8

1 the time you served on the Executive Committee,
2 from 2013 to present?

3 MR. DEFFNER: Emily DeBord, I think.

4 MR. REYNOLDS: Okay.

5 MR. DEFFNER: I believe that was her
6 name. She was the primary before -- yes, she was
7 the primary liaison at that time.

8 MR. REYNOLDS: Was anyone else?

9 MR. DEFFNER: When I was Chairman or
10 when I was on the Board?

11 MR. REYNOLDS: Well, from 2013, that's
12 when you said --

13 MR. DEFFNER: Yes.

14 MR. REYNOLDS: -- as Chairman --

15 MR. DEFFNER: I think it was in --

16 MR. REYNOLDS: -- until present, which
17 you're still on the Executive Committee.

18 MR. DEFFNER: Yes. Well, so, Mr.
19 Payne is the representative currently.

20 MR. REYNOLDS: Okay.

21 MR. DEFFNER: Kenny Payne.

22 MR. REYNOLDS: Was Angie Snyder?

Exhibit 8

1 MR. DEFFNER: She was -- well, early
2 on, before I was Chairman. That's what I was
3 trying to clarify, if you're asking when I was
4 Chairman or before or after. Before I was
5 Chairman, Angie definitely was.

6 MR. REYNOLDS: Okay.

7 MR. DEFFNER: While I was a Board
8 member.

9 MR. REYNOLDS: And when exactly did
10 you take over as the Chair?

11 MR. DEFFNER: Thirteen.

12 MR. REYNOLDS: Any particular month?

13 MR. DEFFNER: March.

14 MR. REYNOLDS: Who from the Executive
15 Committee was the point of contact for Joanne
16 Ivy?

17 MR. DEFFNER: The Chairman.

18 MR. REYNOLDS: Okay.

19 MR. DEFFNER: You know, she would --
20 she would reference and communicate with all
21 Executive Committee members.

22 MR. REYNOLDS: Okay.

Exhibit 8

1 MR. DEFFNER: But certainly with the
2 Chairman.

3 MR. REYNOLDS: Are you familiar with
4 Josh Tetrick, owner of Hampton Creek, and their
5 products, to include Beyond Eggs and Just Mayo?

6 MR. DEFFNER: I know who they are.

7 MR. REYNOLDS: When did you become
8 aware of them?

9 MR. DEFFNER: When they started
10 generating a lot of press about their products.
11 Probably 13.

12 MR. REYNOLDS: The year 2013?

13 MR. DEFFNER: Correct.

14 MR. REYNOLDS: For the record.

15 MR. DEFFNER: Yes.

16 MR. REYNOLDS: And what did you know
17 about them when you first learned about them,
18 what was it that you learned about?

19 MR. DEFFNER: They're making egg
20 replacement products.

21 MR. REYNOLDS: And how did you become
22 aware of --

Exhibit 8

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1 MR. DEFFNER: Press releases,
2 newspaper articles.

3 MR. REYNOLDS: And with that
4 information, what did you do?

5 MR. DEFFNER: Repeat that please.

6 MR. REYNOLDS: Sure. After you
7 learned of Mr. Tetrick and his company and
8 product, what, if anything, did you do?

9 MR. DEFFNER: I probably -- I think I
10 sent copies of a couple press releases I ran
11 across, to Joanne, or to American Egg Board. I'm
12 not sure if it was Joanne.

13 MR. REYNOLDS: And what was the
14 purpose of sending copies to the American Egg
15 Board?

16 MR. DEFFNER: To be aware of what was
17 going on in the marketplace, because our
18 promotion is to -- our motto is to promote real
19 eggs.

20 MR. REYNOLDS: Now, is Mr. Tetrick
21 part of the Egg Board? Is he a member of the Egg
22 Board?

Exhibit 8

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1 MR. DEFFNER: No.

2 MR. REYNOLDS: And is there a
3 particular reason why he is not a member of the
4 Egg Board?

5 MR. DEFFNER: I don't think he
6 qualifies. To my knowledge, he doesn't own
7 chickens.

8 MR. REYNOLDS: And can he become a
9 member of a committee, one of the Egg Board
10 committees?

11 MR. DEFFNER: I don't believe so, if
12 he's not a Board member. I don't think he
13 qualifies.

14 MR. REYNOLDS: How did you view
15 Tetrack and his product? His products being
16 Beyond Eggs and Just Mayo.

17 MR. DEFFNER: Another egg replacer in
18 the market. One of many.

19 MR. REYNOLDS: And approximately how
20 many egg replacers were on the market, when he
21 came?

22 MR. DEFFNER: I don't know. I can't

Exhibit 8

1 give you the quantity. I'm familiar with
2 probably with four or five, six, but I couldn't
3 even name them. There's a lot of them out there
4 though.

5 MR. REYNOLDS: Do you have an
6 approximate? I know you said four or five or
7 six. Do you have an approximate number?

8 MR. DEFFNER: No.

9 MR. REYNOLDS: And you say you don't
10 know the names of the other ones?

11 MR. DEFFNER: No.

12 MR. REYNOLDS: Do you know --

13 MR. DEFFNER: Whey protein, I think is
14 one that's an egg replacer for egg whites, but I
15 don't know a brand name for it, no.

16 MR. REYNOLDS: Did you ever see Beyond
17 Eggs and Just Mayo as a competitor against the
18 egg industry?

19 MR. DEFFNER: I think a small
20 consequence. Obviously, they don't use real egg
21 in their product. So, every jar of their spread
22 that's sold is probably one that's not being sold

Exhibit 8

1 with eggs in it, but I think it's, you know,
2 relatively small exposure.

3 MR. REYNOLDS: So, did you see him as
4 a competitor?

5 MR. DEFFNER: Yes. Competitive to the
6 egg industry, no. Competitor in the mayo spread
7 category in the supermarkets, yes.

8 MR. REYNOLDS: Did you ever see his
9 product? Like I said, this would be Beyond Eggs
10 and Just Mayo, as products that could have a
11 negative impact on the egg industry?

12 MR. DEFFNER: I think the impact would
13 be limited.

14 MR. REYNOLDS: But would it be
15 negative?

16 MR. DEFFNER: They don't use egg in
17 their product.

18 MR. REYNOLDS: So, would it be, you
19 know, negative against the egg -- possibly
20 negative against the egg industry?

21 MR. DEFFNER: I think he would -- for
22 every -- as I said prior, every jar of his mayo

Exhibit 8

1 or his Just Mayo that's sold doesn't contain
2 eggs, versus another one that might. So, to that
3 extent, yes.

4 MR. REYNOLDS: So, if people are
5 buying his products, they may not be buying
6 products with eggs in it?

7 MR. DEFFNER: That would be correct.

8 MR. REYNOLDS: Did the Egg Board,
9 including Executive Committee, ever speak of
10 Tetrack and his products?

11 MR. DEFFNER: I don't know that his
12 name was ever discussed. Beyond Eggs certainly
13 has come up.

14 MR. REYNOLDS: Okay, and what was
15 discussed, sir?

16 MR. DEFFNER: His product being
17 available and -- you know, he generated a lot of
18 press for his products. Very good at it.

19 MR. REYNOLDS: And when were these
20 discussions in reference to Beyond Eggs?

21 MR. DEFFNER: It would have been in
22 13. I think that's when he first started his

Exhibit 8

1 press releases.

2 MR. REYNOLDS: And were these -- what
3 meetings were these -- these -- the Executive
4 Committee meetings that you said occurred about -
5 -

6 MR. DEFFNER: I don't remember --

7 MR. REYNOLDS: -- the times --

8 MR. DEFFNER: To be honest with you,
9 I'm not sure that it ever came up in Executive
10 Committee meetings. It may have, but I don't
11 recall that specifically.

12 But certainly -- certainly, Beyond
13 Eggs was -- was a known topic.

14 MR. REYNOLDS: And what meetings were
15 Beyond Eggs discussed?

16 MR. DEFFNER: I can't give you
17 specific meetings.

18 MR. REYNOLDS: Was it more than one?

19 MR. DEFFNER: I don't remember the
20 Board meetings, but certainly, probably in some
21 communication and could have even been in a
22 committee meeting, but I may or may not have

Exhibit 8

1 participated in that.

2 MR. REYNOLDS: And what was the
3 discussion outside of it's available? What was
4 the discussion in reference to Beyond Eggs?

5 MR. DEFFNER: I think just making
6 everyone aware that the product was out there,
7 and the press that was being generated as a
8 result.

9 MR. REYNOLDS: Was there any
10 discussion in reference to possible responding to
11 the fact that they are available and on the
12 market, and they're an egg replacer?

13 MR. DEFFNER: Not them specifically,
14 but egg replacers was certainly a topic.

15 MR. REYNOLDS: And his product -- his,
16 being Tetrick's products, the Beyond Eggs and
17 Just Mayo, have been described by someone once
18 before as a threat to the egg industry. Did you
19 see it that way?

20 MR. DEFFNER: No.

21 MR. REYNOLDS: Did anyone else, during
22 the discussions, ever -- who was on the Executive

Exhibit 8

1 Committee, see it as a threat?

2 MR. DEFFNER: I don't remember that
3 ever coming up.

4 MR. REYNOLDS: Did the Executive
5 Committee ever authorize use of American Egg
6 Board funds to be used in response to Beyond
7 Eggs?

8 MR. DEFFNER: Funds were approved to
9 address the egg replacement category and to
10 promote the positive attributes of eggs, in
11 response to press releases from, I think anyone
12 in the egg replacer category.

13 Was Beyond Eggs one of those?
14 Absolutely. But it was to promote the positive
15 attributes of eggs, which is the approved message
16 of USDA. I don't think it was ever deviated from
17 that.

18 MR. REYNOLDS: And going back to the
19 communications in reference to Beyond Eggs, you
20 were saying Executive Committee, who was present
21 during those meetings?

22 MR. DEFFNER: I don't think there were

Exhibit 8

1 meetings. I've said there were communications.

2 MR. REYNOLDS: Okay, communication.

3 MR. DEFFNER: It might have been
4 email. I mean --

5 MR. REYNOLDS: Was USDA included in
6 any of those emails?

7 MR. DEFFNER: I don't recall. I don't
8 have a specific email to look at.

9 MR. REYNOLDS: And anyone else from --
10 who exactly from the Executive Committee was
11 involved in these communications?

12 MR. DEFFNER: I don't recall, because
13 there were so few and far between.

14 MR. REYNOLDS: In reference to -- you
15 said the funds were approved for egg replacers,
16 as well as in response to Beyond Eggs.

17 MR. DEFFNER: I think egg replacers is
18 -- I think Beyond Eggs was a -- became a synonym
19 for egg replacers. That's my opinion.

20 In other words, they might have been
21 referred to as -- in that expenditure, as Beyond
22 Eggs, but it was really an expenditure to address

Exhibit 8

1 egg replacers and what the positive attributes of
2 real eggs.

3 MR. REYNOLDS: So, why would it be
4 necessary to have Beyond Eggs and just --

5 MR. DEFFNER: I think just because he
6 was generating so much press releases. He was --
7 he was just -- he was dominating the category
8 with his -- he was very good at generating the
9 press for himself, very good at it.

10 MR. REYNOLDS: Has this same method of
11 naming an item, such as Beyond Eggs, refer to any
12 other company as egg replacer, in reference to
13 approval of funds to be used -- approval of
14 American Egg Board funds?

15 MR. DEFFNER: I'm not sure I
16 understand your question.

17 MR. REYNOLDS: Sure, not a problem.
18 In other words, you were saying there was money
19 that was budgeted for Beyond Eggs, but is really
20 meant for all egg replacers.

21 MR. DEFFNER: Correct.

22 MR. REYNOLDS: Was there ever another

Exhibit 8

1 time that another company's name --

2 MR. DEFFNER: No.

3 MR. REYNOLDS: -- or another company's
4 product --

5 MR. DEFFNER: I don't know.

6 MR. REYNOLDS: -- placed in that --

7 MR. DEFFNER: Yes.

8 MR. REYNOLDS: -- same category as
9 Beyond Eggs was referring to other egg replacers?

10 MR. DEFFNER: Not that I recall.

11 MR. REYNOLDS: So, I think you said
12 whey protein might have been other product.

13 MR. DEFFNER: Well, that is --

14 MR. REYNOLDS: You know, to the best
15 that you can remember.

16 MR. DEFFNER: That's egg replacers,
17 yes. I just don't know if they were -- if that
18 was referred to -- if another egg replacer was
19 referred to as a synonym for the category.

20 But I think that is just -- as I said,
21 that's because he generated so much publicity,
22 and was very good at generating that. So, just

Exhibit 8

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1 became a common nomenclature for Beyond Eggs as
2 egg replacers.

3 MR. REYNOLDS: You remember what his
4 advertisements were, or you were saying he got a
5 lot of attention.

6 MR. DEFFNER: Yes, constant newspaper
7 articles. Magazine articles, just press
8 releases.

9 MR. REYNOLDS: Do you remember what
10 the subject was, what it -- what it was saying
11 about his product?

12 MR. DEFFNER: Well, his products were
13 available and how bad real eggs were.

14 MR. REYNOLDS: Did Ivy ever
15 communicate with you, what actions her staff took
16 concerning Beyond Eggs?

17 MR. DEFFNER: Could you be more
18 specific?

19 MR. REYNOLDS: Did she ever
20 communicate with you, that's by email, phone
21 call, in-person at a meeting, in reference to
22 what actions her staff took concerning Beyond

Exhibit 8

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1 Eggs?

2 MR. DEFFNER: I don't think Beyond
3 Eggs was ever addressed specifically in any AEB
4 program. I think it was all as a -- focused on
5 egg replacers and the positive attributes of
6 eggs.

7 I don't think the message ever
8 deviated from USDA's approved messages. I think
9 they were very clear about that.

10 MR. REYNOLDS: Okay, and the same
11 question in reference to her communicating
12 reference to her staff, and what actions they
13 took, also concerns Hampton Creek, Tetrick
14 himself or Just Mayo.

15 MR. DEFFNER: Same answer. I don't
16 think Tetricks' name -- I don't know if his name
17 ever came up. I don't recall that. Just Mayo and
18 Beyond Eggs, you know, it's -- again, they're
19 interchangeable because of the egg replacers and
20 the publicity he was generating.

21 MR. REYNOLDS: Any of the American Egg
22 Board staff communicate with you, in reference to

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1 what actions they were taking, any programs or
2 any response to Beyond Eggs?

3 MR. DEFFNER: Yes.

4 MR. REYNOLDS: And go ahead.

5 MR. DEFFNER: Just in the -- that we
6 were going to stay focused on the positive
7 attributes of eggs and the gains that US -- that
8 the egg industry had made, like in the
9 environmental footprint and those types of
10 things.

11 But again, clear focused responses to
12 whatever PR would be generated to the positive
13 things of eggs, and those were all approved by
14 USDA. I think they did a very good job of
15 staying clear with that response.

16 MR. REYNOLDS: And who did -- from the
17 staff, communicated this?

18 MR. DEFFNER: Joanne.

19 MR. REYNOLDS: Okay, but any of the
20 staff members themselves? I remember you were
21 mentioning about the various committees with the
22 American Egg Board. Anyone outside of Joanne

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1 Ivy?

2 MR. DEFFNER: You know, I don't
3 remember any direct communication from them, but
4 if there were the other two, I mean, food service
5 egg products would certainly be a committee that
6 would deal with egg replacers.

7 Kevin Burkum, as the Executive Vice
8 President and the marketing leader, would also be
9 included.

10 MR. REYNOLDS: But for sure, any of
11 these folks, to your knowledge, you were saying
12 these people could be, but did anybody outside of
13 Joanne Ivy --

14 MR. DEFFNER: I don't believe so, no.

15 MR. REYNOLDS: Did you ever send an
16 email on June 17th, 2013 to Jon Howeth and Elisa
17 Maloberti with the subject 'Hampton Creek Egg
18 Substitute Products', which read in part, "The
19 link discussing the product below is not a topic,
20 but something that we need to stay on top of."

21 "If I remember correctly, this is a
22 Seattle company. Probably why I see info on them

Exhibit 8

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1 more than others."

2 MR. DEFFNER: Yes, I think that was an
3 article from the Seattle Times, that was again,
4 part of his -- part of his press releases for his
5 products.

6 MR. REYNOLDS: I think it was Tech
7 Crunch. Is that the name?

8 MR. DEFFNER: I don't recall.

9 MR. REYNOLDS: Let me show you.

10 MR. MENENDEZ: Thanks.

11 MR. DEFFNER: There is the egg.

12 MR. MENENDEZ: It's smaller now.

13 MR. DEFFNER: Yes, is it?

14 MR. REYNOLDS: Is that your email?

15 What email address did you use when you
16 communicated as an Executive Committee member?

17 MR. DEFFNER: My email?

18 MR. REYNOLDS: Yes.

19 MR. DEFFNER: National

20 food.rdeffner@nationalfood.com. That one says

21 Roger D. So, yes.

22 MR. REYNOLDS: So, you used one with

1 deffner@nationalfoods and then another one with
2 Roger D.?

3 MR. DEFFNER: Yes, I think it's just
4 the -- how the system spits it out. It's
5 Rdeffner@nationalfood.com.

6 MR. REYNOLDS: And you're the only one
7 that sends emails from there?

8 MR. DEFFNER: Yes. So, that's just
9 what was available in the marketplace.

10 MR. REYNOLDS: And why do you feeling,
11 according to your email, this was a topic you
12 needed to stay on top of?

13 MR. DEFFNER: Egg replacers.

14 MR. REYNOLDS: Okay.

15 MR. DEFFNER: We want to promote the
16 use of real eggs.

17 MR. REYNOLDS: And that is an email
18 that you sent?

19 MR. DEFFNER: It looks like it, yes.

20 MR. REYNOLDS: And outside of the fact
21 that it was egg replacers, was there any other
22 purpose that you sent the email?

Exhibit 8

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1 MR. DEFFNER: No. In fact, my subject
2 line says egg substitute products'.

3 MR. REYNOLDS: And was there a
4 particular reason you sent it to Jon Howeth and
5 Elisa Maloberti?

6 MR. DEFFNER: Their committee is food
7 service and egg products.

8 MR. REYNOLDS: Were you expecting them
9 to respond in a particular way?

10 MR. DEFFNER: No, it was just
11 informative.

12 MR. REYNOLDS: Now, what does sending
13 the link to this article have to do with the
14 promotion of eggs and egg products, spent files
15 or product of spent files?

16 MR. DEFFNER: That we needed to
17 continue, you know, our positive -- getting our
18 message out, because others are trying to send
19 out, you know, divergent messages.

20 So, just have to be diligent in
21 getting our message out to the positive
22 attributes of eggs.

Exhibit 8

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1 MR. REYNOLDS: And does sending this
2 email -- did you have any thoughts of the
3 American Egg Board responding to --

4 MR. DEFFNER: No.

5 MR. REYNOLDS: -- Beyond Eggs?

6 MR. DEFFNER: No.

7 MR. MENENDEZ: And just to clarify, I
8 know we've been -- the responding thing, just so
9 you're consistent with what your answers are,
10 responding -- your definition, because you said
11 no' to responding. But responding can also be
12 sending out positive messages.

13 MR. DEFFNER: Well --

14 MR. MENENDEZ: So, I don't want you to
15 do --

16 MR. DEFFNER: Good point, yes. Good
17 point. I mean, I should clarify that because --

18 MR. REYNOLDS: Go ahead.

19 MR. DEFFNER: No, I mentioned that
20 earlier --

21 MR. REYNOLDS: Right.

22 MR. DEFFNER: -- and just before that,

Exhibit 8

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1 but our message was to promote the positive
2 attributes and we got to keep it up, because
3 others are giving diverging messages.

4 MR. MENENDEZ: And that could be
5 classified as responding, so I don't want there
6 to be --

7 MR. DEFFNER: Good, yes. Thank you.

8 MR. REYNOLDS: I'm sure in your email
9 dated September 16th, 2013, from Ivy to you and
10 others, with the subject AEB addresses Beyond
11 Eggs', in which the email mentions in part,
12 "Simon, thanks for you email. AEB has been aware
13 of this product for several months and has spent
14 a lot of time determining the best approach to
15 address the situation."

16 "I've also been inundated with emails
17 from the industry with questions, etcetera, so I
18 understand and appreciate the egg industry's
19 concern. I've tried to respond to each of these
20 emails individually, to address these specific
21 questions."

22 "I am forwarding you below, a response

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1 statement to the introduction of the Beyond Egg
2 product. It is important the egg industry knows
3 that AEB is on top of the situation. Joanne."

4 Do you read this email?

5 MR. DEFFNER: I don't recall
6 specifically. When was that? Thirteen? But
7 probably.

8 MR. REYNOLDS: Okay.

9 MR. DEFFNER: I see I was copied. So.

10 MR. REYNOLDS: Did you have any idea
11 why Joanne sent this email to you? I understand
12 you're not --

13 MR. DEFFNER: I think she was just --

14 MR. REYNOLDS: -- Joanne.

15 MR. DEFFNER: -- copying me on her
16 communication with Simon, but she goes onto say
17 about the positive attributes of eggs.

18 Consistent messaging. That was such a big topic
19 of the AEB, was consistent messaging.

20 MR. REYNOLDS: Did you have any
21 further comments concerning that email?

22 MR. DEFFNER: No.

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1 MR. REYNOLDS: Did you ever have any
2 conference call with Joanne Ivy, as it related to
3 Egg Board business?

4 MR. DEFFNER: Yes.

5 MR. REYNOLDS: And how often were
6 these conference calls?

7 MR. DEFFNER: There was probably two
8 or three Executive Committee conference calls or
9 Board conference calls, outside of Board
10 meetings, annually. I am just guessing, but --

11 MR. REYNOLDS: How many again, sir?

12 MR. DEFFNER: Two or three, outside of
13 Board conference calls.

14 MR. REYNOLDS: Was that a year?

15 MR. MENENDEZ: Yes, annually.

16 MR. DEFFNER: Annually.

17 MR. REYNOLDS: Annually?

18 MR. DEFFNER: Yes.

19 MR. REYNOLDS: Okay, were minutes
20 taken during these conference calls?

21 MR. DEFFNER: I'm sure they were.

22 MR. REYNOLDS: But do you know that

Exhibit 8

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1 for a fact, because I know you've served on
2 different positions, but for a fact, are minutes
3 taken of the conference calls, as well?

4 MR. DEFFNER: If there was a
5 conference call, I'm sure there was minutes kept
6 by the staff.

7 MR. REYNOLDS: And who participated in
8 the calls?

9 MR. DEFFNER: I don't -- I don't -- if
10 you have a specific reference, that would -- it
11 would depend on who would be on the call.

12 If it was to the Executive Committee,
13 it would be the Executive Committee. If it was
14 Board, it would be -- although I don't remember a
15 full Board conference call, but it's possible.

16 It would be -- you know, Board or
17 staff.

18 MR. REYNOLDS: Have you ever seen any
19 minutes from the conference calls?

20 MR. DEFFNER: Sure.

21 MR. REYNOLDS: And who is responsible
22 for giving -- taking the minutes?

Exhibit 8

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1 MR. DEFFNER: Joanne or staff, or if
2 she did it or had others do it.

3 MR. REYNOLDS: Did you ever have a
4 conference call in which Beyond Eggs was
5 discussed?

6 MR. DEFFNER: I don't recall
7 specifically.

8 MR. REYNOLDS: I'm going to show you
9 an email. Maybe this may help.

10 I am showing Mr. Deffner an email
11 dated October 21st 2014, from Joanne Ivy to him,
12 with the subject 'call today'.

13 The email reads in part, "Hi, Roger.
14 I added a few other items to our agenda for this
15 afternoon's call. Some of the items won't take
16 any time, but others need some discussion.
17 Joanne."

18 This email follows another email,
19 dated October 14th, 2013, from Ivy to Mr.
20 Deffner, with the subject 'call today'. Each
21 email includes a bullet for Beyond Eggs update
22 from recent UEA meeting. Did you receive this

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1 email?

2 MR. DEFFNER: I did.

3 MR. REYNOLDS: You said you did?

4 MR. DEFFNER: Yes.

5 MR. REYNOLDS: Did you read this
6 email?

7 MR. DEFFNER: I'm sure I did.

8 MR. REYNOLDS: Reading this email,
9 what was the Beyond Egg update?

10 MR. DEFFNER: I don't -- do not
11 recall. But you know, these were -- this was
12 just a -- this was not a conference call. This
13 was just a call between Joanne and I.

14 MR. REYNOLDS: But she was --

15 MR. DEFFNER: She just wanted me to
16 call to review these items before we moved
17 forward for the upcoming Board meeting, it looks
18 like to me.

19 MR. REYNOLDS: So, there was no other
20 people involved in the phone conversation?

21 MR. DEFFNER: Doesn't look like it,
22 no.

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1 MR. REYNOLDS: Just the two of you?

2 MR. DEFFNER: Yes.

3 MR. REYNOLDS: Okay, and were there
4 minutes taken of that meeting?

5 MR. DEFFNER: I don't recall. I doubt
6 it. That would be a conference -- that would
7 just be -- you know, a one-on-one call.

8 MR. REYNOLDS: Prior to this email,
9 what was discussed about Beyond Eggs, saying in
10 this email it said, "An update was to be
11 discussed."

12 MR. DEFFNER: I don't recall. I don't
13 even remember that item at all.

14 MR. REYNOLDS: What response did you
15 have to this email?

16 MR. DEFFNER: None, that I recall.

17 MR. REYNOLDS: And did the phone call
18 take place, the conference call take place?

19 MR. DEFFNER: I am sure I called her.

20 MR. REYNOLDS: And what was discussed
21 concerning Beyond Eggs --

22 MR. DEFFNER: I don't --

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1 MR. REYNOLDS: -- since it was on the
2 agenda?

3 MR. DEFFNER: I don't even remember it
4 being discussed.

5 MR. REYNOLDS: Do you remember what
6 was discussed?

7 MR. DEFFNER: No, other than the
8 bullet points here, but no, I don't remember
9 specifics.

10 MR. REYNOLDS: What is you --

11 MR. DEFFNER: This is leading up to
12 the Board meeting. So, things that she and I
13 would talk about before the Board meeting.

14 MR. REYNOLDS: And this would be
15 before the Board meeting in October --

16 MR. DEFFNER: The Fall.

17 MR. REYNOLDS: -- or November?

18 MR. DEFFNER: Yes.

19 MR. REYNOLDS: The Fall?

20 MR. DEFFNER: Yes.

21 MR. REYNOLDS: Was Beyond Eggs spoken
22 at that Board meeting?

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1 MR. DEFFNER: I don't think so, but I
2 don't -- the minutes would show that.

3 MR. REYNOLDS: What is UEA?

4 MR. DEFFNER: United Egg Association.

5 MR. REYNOLDS: Did you have any
6 further information, knowledge of this email and
7 what did or did not transpire with the following
8 call with Joanne Ivy?

9 MR. DEFFNER: No. I'm sure we just
10 touched on the items that were coming up.

11 MR. REYNOLDS: Were you aware Joanne
12 Ivy proclaimed that Anthony Zolezzi, who I
13 understand to be a consultant who has worked with
14 Tom Hall, could stop the distribution of Beyond
15 Eggs at Whole Foods with just a phone call?

16 MR. DEFFNER: He made that
17 proclamation, yes.

18 MR. REYNOLDS: And when did he make
19 that proclamation?

20 MR. DEFFNER: At a UEP sponsored
21 meeting in Chicago in, I believe it was November
22 of 2013.

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1 MR. REYNOLDS: And what exactly did he
2 say, Mr. Deffner?

3 MR. DEFFNER: Well, they were trying
4 to be -- they wanted -- they were trying to get
5 hired by American Egg Board.

6 MR. REYNOLDS: And who is the they'?

7 MR. DEFFNER: The one you just
8 mentioned, Hall & Associates, which Anthony was
9 part of that group.

10 They were making the pitch for -- to
11 become a part or sole -- they wanted to be the
12 marketing arm for AEB, for a -- that's what they
13 were making a pitch for.

14 MR. REYNOLDS: Okay.

15 MR. DEFFNER: And they had gone -- you
16 know, obviously they had spent some time on the
17 American Egg Board sites and they were seeing
18 what the programs were at AEB, and trying to come
19 up with a presentation that would impress us.

20 MR. REYNOLDS: And when you say this
21 is what he said at that meeting', is that what
22 you heard yourself?

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1 MR. DEFFNER: Yes.

2 MR. REYNOLDS: How did the topic come
3 up in reference to Beyond Eggs and Whole Foods?

4 MR. DEFFNER: I think -- I don't know
5 specifically. I think they brought it up. I
6 think it was one -- egg replacers was -- was an
7 item they had picked up from our information and
8 I think that they were into -- you know, it's
9 just like -- to me, I just kind of dismissed it,
10 because it was like they were connected with the
11 Hollywood crowd. A lot of name dropping. This
12 was consistent with what they had done throughout
13 the meeting like, "I can hook you up with Oprah
14 Winfrey or Dr. Oz," or you know, Ellen Degeneres.

15 You know, they were just into name
16 dropping, and this was just -- to me, it was just
17 one more of his 'hire me' because we're
18 connected. That's what I thought. So.

19 MR. REYNOLDS: And when you say
20 they', who is they'?

21 MR. DEFFNER: The Hall Group. There's
22 three of them that were there.

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1 MR. REYNOLDS: And who were the three?

2 MR. DEFFNER: I don't know all their
3 names. Tom Hall, Anthony and Bill Richardson, I
4 think was the third one.

5 MR. REYNOLDS: Anthony being Anthony
6 Zolezzi?

7 MR. DEFFNER: Correct. Personally, I
8 didn't take it seriously. It was just -- to me,
9 it was one of their -- it was just trying to
10 throw out the carrot to get hired.

11 It was also clear to me that -- you
12 know, from that meeting, that they did not
13 understand check out programs or the -- I don't
14 think they had ever worked with a check out
15 program, and I remember -- I mentioned at the
16 meeting that everything had to be -- in our
17 programs, in our messaging, in our advertising,
18 everything we did was approved by USDA, seemed to
19 be a shock to them. I don't think they knew it.

20 You know, it was -- they were just --
21 they were just looking to try to come up with
22 something to impress us. That's the way I took

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1 it.

2 MR. REYNOLDS: Who from the Egg Board
3 was present at the meeting?

4 MR. DEFFNER: Kevin Burkum, Joanne and
5 myself.

6 MR. REYNOLDS: And no other executive
7 --

8 MR. DEFFNER: No.

9 MR. REYNOLDS: -- committee members?

10 MR. DEFFNER: No.

11 MR. REYNOLDS: And UEP stands for?

12 MR. DEFFNER: United Egg Producers.

13 MR. REYNOLDS: And whose meeting was
14 it? I said -- I heard you say it was sponsored
15 by --

16 MR. DEFFNER: They're the ones that --
17 they are the ones that promoted it, set it up and
18 asked us to be there.

19 MR. REYNOLDS: So, it was not our
20 meeting, being an Egg Board meeting?

21 MR. DEFFNER: Absolutely not. It was
22 United Egg Producers, trying to --

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1 MR. REYNOLDS: And did Joanne Ivy, or
2 you said Mitch was there?

3 MR. DEFFNER: No, I didn't.

4 MR. REYNOLDS: Kevin?

5 MR. DEFFNER: Kevin.

6 MR. REYNOLDS: Did Joanne Ivy respond
7 to Mr. Zolezzi?

8 MR. DEFFNER: No, that meeting -- not
9 that I recall.

10 MR. REYNOLDS: What about Kevin? Did
11 --

12 MR. DEFFNER: No, I don't think any of
13 us did.

14 MR. REYNOLDS: And going back to --

15 MR. DEFFNER: First of all, that's not
16 the way products get to market or removed from
17 market. That's not the way it works.

18 So, to me, it was like, you know, it's
19 like, yes, whatever. You know, products stand on
20 their own. It's a long process to get products
21 to market. They stand on their own, on how they
22 perform. That's how they -- they're either

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1 promoted or removed. It's not with the star-
2 related contacts and phone calls, in my opinion.

3 MR. REYNOLDS: Was there ever a follow
4 up meeting with --

5 MR. DEFFNER: No.

6 MR. REYNOLDS: And was this the first
7 time you met Mr. Zolezzi?

8 MR. DEFFNER: First and last. Never
9 talked to him before or since.

10 MR. REYNOLDS: Was Mr. Zolezzi ever at
11 any of the Egg Board meetings?

12 MR. DEFFNER: Not to my knowledge.

13 MR. REYNOLDS: And recall receiving
14 that email, that's sent to you from Joanne Ivy,
15 that was dated December 4th, 2013 with the
16 subject meeting with' --

17 MR. DEFFNER: Yes.

18 MR. REYNOLDS: -- Tom Hall update'?

19 MR. DEFFNER: Yes.

20 MR. REYNOLDS: In which she said for
21 instance, "Mr. Zolezzi proclaimed that he could
22 stop the distribution of Beyond Eggs at Whole

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1 Foods with just a phone call. I've already
2 followed up on this offer and in -- and am
3 anxious to see how it goes." Did you receive
4 that email?

5 MR. DEFFNER: That's not what this
6 email says.

7 MR. SOTOSKY: No, that's the budget
8 one.

9 MR. MENENDEZ: Right there.

10 MR. REYNOLDS: Excuse me.

11 MR. DEFFNER: Okay, yes, I see that.

12 MR. REYNOLDS: Did you receive that
13 email?

14 MR. DEFFNER: I assume I did, yes.

15 MR. REYNOLDS: Did you read it, the
16 email?

17 MR. DEFFNER: I'm sure I did.

18 MR. REYNOLDS: Did you respond to this
19 email?

20 MR. DEFFNER: Yes, I did.

21 MR. REYNOLDS: And what was your
22 response?

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1 MR. DEFFNER: Well, I think I did. I
2 think it's the next email that -- is that the
3 next email you were just showing me? That's a
4 different email?

5 MR. REYNOLDS: That's a different
6 email.

7 MR. DEFFNER: That's a different one?

8
9 MR. REYNOLDS: That's the one on
10 budget.

11 MR. DEFFNER: Then I probably did not
12 to this one. Yes, this was a follow up from the
13 UEP Hall worldwide meeting to the Executive
14 Committee.

15 MR. SOTOSKY: Do you remember having
16 any thoughts as to, you know, when Joanne says,
17 "I have followed up with this offer," because you
18 know, it sounds kind of like a ridiculous claim
19 to make.

20 I mean, seeing her write that, do you
21 recall anything?

22 MR. DEFFNER: Well, for me, it was

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1 probably different because, you know, after that
2 meeting, Joanne and Kevin and I stopped and had a
3 cup of coffee before I headed to the airport, and
4 I expressed my thoughts that, you know, it was a
5 frivolous claim, didn't merit, you know,
6 discussion.

7 They were into name dropping. They
8 were -- you know, they didn't really present
9 anything new. To me, it was -- like I just said,
10 it's not how products get to market or removed
11 from market. So, to me, it was frivolous.

12 MR. SOTOSKY: Okay, so, when you say
13 that -- Joanne writing that, that she went ahead
14 and followed up with him on that, do you remember
15 having any kind of thoughts about, you know, why
16 would she do that or -- based on what took place
17 in this meeting?

18 MR. DEFFNER: I don't remember at the
19 time, but you know, it was probably like why?

20 MR. SOTOSKY: Do you remember at that
21 meeting, was Anthony -- did you guys -- did
22 anybody show Anthony like, a jar of Just Mayo or

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1 show him the product and say, "What do you think
2 of that," or was this something that he brought
3 up?

4 MR. DEFFNER: I think it was just a --
5 it was a subtitle at the end, as I recall it.
6 No, I don't -- there were no props there, nobody
7 from AEB, in my opinion -- in my recollection,
8 showed him anything. I'm sure we didn't.

9 They were trying to -- they were
10 coming to us --

11 MR. SOTOSKY: Right.

12 MR. DEFFNER: -- and saying, "We want
13 you to hire us." So, they were just -- you know,
14 trying to put their best foot forward, this is
15 just another one of the claims to do that.

16 I think they were also shocked at how
17 limited our budget was and how good our messaging
18 was, with the limited budget we had, and as I
19 said, they were also, I think, rather taken back
20 that everything we did had to be approved by
21 USDA. I don't think they had any idea, because
22 you know, it's nothing that -- not that they were

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1 incompetent, but it's not the arena they worked
2 in.

3 I mean, they were -- they did some
4 highly -- some high profile campaigns for
5 independent companies in the past. No question
6 about that. I don't mean to portray that they
7 were incompetent. I think check up boards are
8 different animals.

9 MR. SOTOSKY: Right, right, okay.
10 Just one other thing, do you remember Anthony
11 making any kind of comment about the Just Mayo
12 label, about maybe it being misleading or
13 anything like that?

14 MR. DEFFNER: You know, if there was
15 a discussion about Just Mayo, that certainly
16 would have come up, because it was on --
17 certainly with staff, it was the top of their
18 mind, because they were being -- it was being
19 pointed out to them regularly. So, it wouldn't
20 surprise me at all, that it was discussed that
21 way.

22 MR. SOTOSKY: Okay.

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1 MR. REYNOLDS: In reference to the
2 FDA, which is United States Food and Drug
3 Administration, was the Board ever involved in
4 any way, in reference to contacting the FDA
5 concerning Just Mayo?

6 MR. DEFFNER: No. Not to my
7 knowledge.

8 MR. REYNOLDS: And going back to the
9 UEP meeting, was the USDA present at that
10 meeting?

11 MR. DEFFNER: They were not.

12 MR. REYNOLDS: And in reference to the
13 email that I showed you, that Joanne Ivy sent to
14 you, to your knowledge, did anyone ever contact
15 USDA in reference to her saying how she was going
16 to contact, follow up with Zolezzi, in reference
17 to his offer?

18 MR. DEFFNER: I did not know that.

19 MR. REYNOLDS: Did you, yourself?

20 MR. DEFFNER: No.

21 MR. REYNOLDS: Can you explain to me,
22 to your knowledge, what contacting Mr. Zolezzi to

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www.nealrgross.com

1 remove Beyond Eggs off the shelf of Whole Foods
2 had to do with the promotion of eggs, egg
3 products, spent files or products of spent files?

4 MR. DEFFNER: No. Again, I think the
5 message from AEP was clear throughout everything
6 they did, to the egg replacer programs, and that
7 was, you know, promote the positive attributes of
8 eggs, and I think they were consistent with that,
9 throughout.

10 MR. REYNOLDS: And you were saying no,
11 in reference to you couldn't, to your knowledge,
12 explain what contacting Zolezzi and removal of
13 eggs had to do with the promotion of eggs, egg
14 products and spent files?

15 MR. DEFFNER: Yes, you'd have to ask
16 Joanne that. It was --

17 MR. MENENDEZ: Go ahead, why don't you
18 finish your answer and then --

19 MR. DEFFNER: Well, it was -- you
20 know, that wasn't something I would have done or
21 promoted. So.

22 MR. MENENDEZ: And just to be clear,

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1 contacting is different from dollars being spent.
2 He was never retained, hired or directed at the
3 expense of AEB, to do anything.

4 MR. DEFFNER: Absolutely not.

5 MR. MENENDEZ: Okay.

6 MR. DEFFNER: We never had any
7 involvement with these guys, none, any of them.

8 MR. REYNOLDS: So, is that what you
9 want to say, for the record, in reference to the
10 --

11 MR. DEFFNER: I would definitely say
12 that American Egg Board had no contact with these
13 guys whatsoever, before this meeting -- Chicago
14 meeting, and I -- we never -- there was never a
15 follow up meeting and there was never anything
16 that -- they were never hired. They were never -
17 - and in fact, you know, we talked about that
18 with Joanne, that you know, if anything were ever
19 to come of anything that they were be hired --
20 that they were to be hired, for some reason, and
21 they developed a specific program that we liked
22 or something, it would then have to be a contract

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1 written. The program would have to be provided
2 and sent to USDA for approval prior.

3 I mean, everybody knew that. We
4 operated under that 100 percent of the time.

5 MR. REYNOLDS: And did Joanne ever
6 speak of Mr. Zolezzi at any time after the email?

7 MR. DEFFNER: I don't think so.

8 MR. REYNOLDS: And when I say speak,
9 I mean, I'm talking about in reference to the
10 Board.

11 MR. DEFFNER: I don't believe so.

12 MR. REYNOLDS: Spoke to you, since
13 there have been times you've had communications
14 with her.

15 MR. DEFFNER: No, I don't think so.

16 MR. REYNOLDS: Did you ever give your
17 approval to Joanne Ivy for the American Egg Board
18 to budget \$59,500 to address the Beyond Egg
19 situation?

20 MR. DEFFNER: Yes, with reservations,
21 and yes, to the Beyond Egg.

22 Again, in my opinion and the way the

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1 program at -- you look at how -- what -- where
2 the money was spent and how it was administered
3 was, again, the positive messaging of eggs.

4 I don't recall one incident anywhere,
5 where Beyond Eggs was specifically addressed in
6 any direct marketing responses. It was as a
7 category. It wasn't as a specific company.

8 MR. REYNOLDS: And where is the
9 information that you're getting in reference was
10 -- that it was only used for positive messaging?

11 MR. DEFFNER: I think you can see that
12 throughout all of the programs at AEB.

13 MR. REYNOLDS: But I'm saying for you.
14 Where are you getting this information from?

15 MR. DEFFNER: Experience.

16 MR. REYNOLDS: What was the Beyond
17 Eggs situation?

18 MR. DEFFNER: Egg replacers and the
19 negative press that they were trying to generate
20 for the egg industry as a whole.

21 MR. REYNOLDS: What other egg
22 replacers were putting our information?

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1 MR. DEFFNER: Egg replacers is a
2 category. I'm not saying that -- I didn't say
3 that.

4 Egg replacers are -- was the category
5 that was affecting the -- or could affect the egg
6 industry, but our response to it was only the
7 positive messaging that was of approved USDA
8 programs, and I think you can see that throughout
9 the programs.

10 MR. REYNOLDS: Does the -- does the --
11 does the Beyond Egg budget email that Joanne Ivy
12 sent to you and other members of the Executive
13 Committee, which was dated December 16th, 2013,
14 the subject 'Beyond Eggs budget', to the
15 Executive Committee, "As you are aware, Beyond
16 Egg has received a lot of publicity lately,
17 mainly because of the partnership with Bill
18 Gates. I am attaching a budget to address this
19 situation. We do not have a budget at this
20 time."

21 "However, we went ahead with a few
22 activities because of timeliness, but we feel we

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1 need to have a budget to not only respond when
2 appropriate, but also be on the offense and not
3 the defense."

4 Ivy also mentioned, "I would
5 appreciate your response ASAP on this budget for
6 \$59,500 to address the Beyond Eggs situation from
7 project -- special projects."

8 "If you approve, simply respond with
9 yes'. If you have any questions, please let me
10 know. Joanne." Where in this message does it
11 refer to anything outside of the product of
12 Beyond Egg?

13 MR. DEFFNER: It doesn't, but I think
14 if you look at the -- the -- the issues being
15 generated and tracked was egg replacers.

16 There's no question, that Beyond Egg
17 was dominating the category with their press
18 releases. I've said before, they were extremely
19 good at it, and like I said up here in my
20 response to her, that I was fine with the
21 expenditure, because again, it was consistent
22 with the positive attributes of eggs.

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1 If you look at the attachments that --
2 and also, wondering of the industry is more
3 focused on this than the general public. I
4 should have been more specific and said staff,
5 because I think they're the ones that really were
6 -- were into the -- and they were getting the --
7 you know, a lot of calls, I'm sure.

8 But anyway, I thought it was -- I
9 thought the industry was making more of it than
10 maybe it should have been, and that was because
11 he was so good at generating a lot of publicity
12 for his product.

13 MR. REYNOLDS: And was it ever
14 discussed, what the money would be spent for
15 specifically?

16 MR. DEFFNER: Yes, it was. The
17 attachment is in here, but there was.

18 MR. REYNOLDS: Was it bloggers?

19 MR. DEFFNER: Yes. Again, and the
20 bloggers to promote the positive attributes, not
21 address negative attributes about a specific
22 company, but the positive attributes of our

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1 category of our eggs, our items. That's what
2 they were --

3 MR. REYNOLDS: And what else was it to
4 be spent on?

5 MR. DEFFNER: Just tracking the -- you
6 know, consumer response, and you know, what was
7 trending in the industry and -- I'm saying the
8 industry. Trending in the public's mind, as to
9 how egg replacers were -- that they're gaining
10 traction, not how are we doing, which is, I think
11 all good -- good expenditures.

12 MR. REYNOLDS: And so, how -- to your
13 knowledge, explain how approving a budget for
14 \$59,500 to address the Beyond Eggs situation had
15 to do with the promotion of eggs, egg products,
16 spent files and products of spent files.

17 MR. DEFFNER: Well, I think if you --
18 you'd have to look at the -- the attachment isn't
19 here, but how they were looking at -- you know,
20 they were -- I think is it -- was it -- yes, I
21 mean, she talks about some of it here.

22 You know, the responding to articles,

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1 correcting misleading or false information.
2 Again, getting the positive message out. Bob
3 Kraus, as an egg farmer, he was out doing
4 interviews. It was all to promote the positive
5 side of our industry, not to specifically address
6 Beyond Eggs negatively. That's not what we did.

7 MR. MENENDEZ: These are minutes, and
8 Alex, I think you have a copy already.

9 MR. REYNOLDS: I'm not sure if you
10 already discussed it with him, already.

11 You were the -- is that correct, you
12 were the Chairman of that meeting, which was in
13 March?

14 MR. DEFFNER: Correct.

15 MR. REYNOLDS: March 2014 meeting that
16 was held at Chicago O'Hare.

17 MR. DEFFNER: Yes.

18 MR. REYNOLDS: March 12th, to be
19 specific, Executive Committee meeting.

20 MR. DEFFNER: Okay, I'll let you go
21 forward.

22 MR. REYNOLDS: And according to the

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1 minutes, during that meeting, the minutes read in
2 part, "Ivy reported that the Executive Committee
3 needed to consider carrying over the balance of
4 the \$59,500 funds."

5 Let me just repeat for the record,
6 \$59,500 that was allocated for the Beyond Eggs
7 program. The minutes went onto mention a motion
8 was made by Blair Van Zetten, was seconded by
9 Paul Sauder to carry over the balance in the
10 amount of \$46,404.

11 MR. DEFFNER: I see that.

12 MR. REYNOLDS: And this was a meeting
13 you presided over, correct?

14 MR. DEFFNER: Yes.

15 MR. REYNOLDS: And the difference
16 between the two amounts is over \$13,000. Were
17 you aware of that?

18 MR. DEFFNER: I don't recall if the --
19 I don't recall now, but so, the -- so, it -- the
20 \$59,000 was approved. The carryover was for
21 monies that hadn't been spent yet.

22 MR. REYNOLDS: And do you know exactly

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1 what that money was spent on?

2 MR. DEFFNER: Well, as I said, there
3 is an attachment to the previous email, that
4 wasn't there, but it allocated all that money and
5 a couple of them was, you know, tracking
6 information, positive messaging with bloggers,
7 and I don't remember the other two categories but
8 --

9 MR. REYNOLDS: Was it ever reported
10 what exactly the money was spent on, not what
11 budget said it would -- you know, the budget
12 proposal --

13 MR. DEFFNER: I don't know.

14 MR. REYNOLDS: -- for what it was --

15 MR. MENENDEZ: And just for the
16 record, you guys should have it, maybe. They
17 have documented what the -- every dollar, what it
18 was spent on and what program it was spent on.
19 So, you guys should have this information.

20 MR. DEFFNER: Yes, Emily was at this
21 meeting.

22 MR. REYNOLDS: And is that from

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1 reading the minutes or from your memory, that she
2 was there?

3 MR. DEFFNER: She was at all of them.

4 MR. MENENDEZ: They're on their way.

5 MR. REYNOLDS: And do you recall an
6 email that was dated August 25th, 2016 from
7 Joanne Ivy, in reference to an FDA ruling and she
8 is -- she wrote in part, "You may have already
9 heard the news, but if not, I just wanted to let
10 you know about a notable article from Bloomberg,
11 announcing the FDA's ruling that Hampton Creek
12 can no longer call us Just Mayo products
13 mayonnaise, because the product doesn't contain
14 eggs, and a warning letter to Hampton Creek that
15 was released publically this morning, the FDA
16 standard of identity for mayonnaise, such as
17 modified food, starch and that the use of the
18 term mayo in the product names and the image of
19 an egg may be misleading to consumers because it
20 may cause them to believe that the products are
21 standardized-food mayonnaise."

22 "Additionally, FDA stated that the

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1 Hampton Creek can't claim that their products are
2 cholesterol-free or imply they are heart healthy,
3 as they contain too much fat for the claims to be
4 true."

5 "The FDA has given Hampton Creek 15
6 days to respond to that letter." Do you recall -
7 - do you remember such an email, and this was
8 like I said --

9 MR. DEFFNER: I certainly remember the
10 context. I didn't remember the email or the date,
11 but I'd certainly remember where the --

12 MR. REYNOLDS: And just for the
13 record, it's actually August 25th, 2015.

14 MR. DEFFNER: Okay.

15 MR. REYNOLDS: Couldn't have happened
16 this year, already.

17 MR. DEFFNER: Okay.

18 MR. REYNOLDS: So, you said you
19 remember the context of the email.

20 MR. DEFFNER: Well, I remember the
21 messaging, the message, yes.

22 MR. REYNOLDS: And did you ever

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1 respond to Ivy --

2 MR. DEFFNER: I don't believe so.

3 MR. REYNOLDS: -- in any form or
4 fashion?

5 MR. DEFFNER: No.

6 MR. REYNOLDS: Phone calls?

7 MR. DEFFNER: No.

8 MR. REYNOLDS: Smoke signals?

9 MR. DEFFNER: No.

10 MR. REYNOLDS: In any form or fashion?

11 MR. DEFFNER: Not to my knowledge.

12 MR. REYNOLDS: And I know you're not
13 Joanne Ivy, but do you have any idea why she sent
14 that email message to yourself and others?

15 MR. DEFFNER: No.

16 MR. REYNOLDS: And was that ever
17 discussed? I think we might have touched on it
18 earlier, in reference to FDA. I think you said
19 they -- that had not been discussed.

20 MR. DEFFNER: I don't believe so. I
21 don't recall.

22 MR. REYNOLDS: Did you ever contact

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1 anyone from the United States Department of
2 Agriculture, concerning -- concerning any of the
3 information we discussed?

4 MR. DEFFNER: No, not to my knowledge.

5 MR. REYNOLDS: And in your contact
6 with the USDA during 2013 to present, has been
7 what?

8 MR. DEFFNER: Somewhat limited, but
9 interactive. You know, certainly more with
10 Emily. The year I was Chairman, she provided me
11 information on, you know, salaries of other
12 commodity boards and things like that, because I
13 had the -- that was one of the bullet points in
14 that email from Joanne that -- I mean, the
15 discuss was of -- you know, salaries, staff
16 salaries and what not.

17 So, Emily helped me with that. We
18 would interact when I was Chairman. Obviously,
19 I've had a long relationship with Angie over the
20 years at AEB meetings, and more recently, with
21 Kenny, obviously knew, and Craig Morris and I
22 were -- would talk, when we would run into each

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1 other at industry meetings.

2 MR. REYNOLDS: And did you ever
3 discuss with him, any of the information
4 concerning Mr. Zolezzi?

5 MR. DEFFNER: No. Not that I recall.

6 MR. REYNOLDS: And do you have any
7 direct knowledge of anyone else from the Egg
8 Board was in contact with the USDA concerning Mr.
9 Zolezzi?

10 MR. DEFFNER: Not to my knowledge.

11 MR. REYNOLDS: Are there any additions
12 or corrections you would like to make to your
13 statement?

14 MR. DEFFNER: Not at this time. Maybe
15 just one addition, in that you know, the hundreds
16 of minutes and emails and volumes of documents
17 presenting work with USDA and what not, the
18 Beyond Egg thing is -- it was such a -- it was a
19 footnote.

20 But yes, you know, for reasons beyond
21 anybody's control, it's become the topic, and it
22 was such a small item, small percentage of the

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1 volume of work that's being done, and I have to
2 say, I'm still proud of the fact that AEB,
3 through all of this, stayed true to their
4 messaging and the messaging that was presented to
5 and approved by USDA, and I think they did a good
6 job in staying direct and with -- in compliance
7 with their messaging.

8 It was such a big deal at AEB, because
9 we have such limited funds, and you know, you may
10 not think \$25 million is limited funds, but some
11 of the other boards, you know, by comparison, you
12 can tell it is.

13 We had to have consistent messaging
14 from all committees and you know, so we could,
15 you know, kind of get the message out with small
16 dollars, and I think we did a pretty good job of
17 that.

18 MR. REYNOLDS: Is this statement true,
19 complete and correct, to the best of your
20 knowledge?

21 MR. DEFFNER: Yes.

22 MR. REYNOLDS: This concludes our

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1 interview. The time is 11:20 a.m. eastern
2 standard time.

3 (Whereupon, the above-entitled matter
4 went off the record at 11:25 a.m.)
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Interview of Roger Deffner

Before: USDA Compliance & Analysis

Date: 02-25-16

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

Neal R Gross

Court Reporter

Exhibit 8

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NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

City: Park Ridge
State: IL

I, Kevin Lee BURKUM, being duly sworn on oath, make the following statement freely and voluntarily to Leon R. REYNOLDS who has identified himself to me as a Compliance Officer, with the Agricultural Marketing Service, USDA, knowing this statement may be used in evidence.

I am the Senior Vice President of Marketing, American Egg Board (AEB) and started working for AEB in January 2007 and became Senior Vice President of Marketing in 2008. My immediate supervisor was Joanne IVY, former President of AEB before she retired in September 2015. IVY was my supervisor from the time I started working for AEB in January 2007.

My duties and responsibilities include overseeing consumer marketing which include social media, retail promotion, public relations, and advertising. I was aware of my duties and responsibilities when I was hired because there was a job description when AEB was recruiting for the position for which I was hired.

AEB staff receive a performance evaluation once a year usually towards the end of the year.

To conduct my duties and responsibilities I have an email account. My email address is kburkum@aeb.org. I am the only one accessing my email account with AEB. I am the only person sending emails and reviewing received emails from my AEB email account. There is a password to get to my network and then I go to my AEB email account. I do not know if Francis GRAY, Director of Information Technology, AEB has a password but other than that possibility no one else has my password.

The AEB employees under my immediate supervision are Serena SCHAFFNER, Director of Marketing Communications, AEB and Grace SWEENEY, Social Media & Marketing Coordinator, AEB. SCHAFFNER has been employed with the AEB since June 2014 and her duties and responsibilities include primarily overseeing public relations, social media and other things as needed. SCHAFFNER was advised of her duties and responsibilities by me when she was hired and it was in writing. SCHAFFNER has worked under my direct supervision since she was hired in June 2014.

SWEENEY has worked for the AEB since June 2015 and her duties and responsibilities include administrative assistant for the department and day to day over social media, meaning she will make the Facebook, Instagram and Twitter content that has been approved and post it online. She will respond to comments and monitor the postings. SWEENEY was advised of her duties and responsibilities by me and SCHAFFNER when she was hired and it was in writing. For the employees under my responsibilities I have a copy of their duties and responsibilities. SWEENEY has worked under the day to day supervision of SCHAFFNER and this has occurred since she was hired.

As part of my duties and responsibilities I interact with Kenneth (Kenny) PAYNE, Director, Research and Promotion Division, Livestock, Poultry, and Seed Program (LPS). I or my team is

in contact with PAYNE on a weekly basis. This has occurred since PAYNE became our oversight person.

From my understanding PAYNE's duties and responsibilities include being our official USDA oversight person for the AEB. Before PAYNE I was in contact with Angela SNYDER, USDA and Emily DEBORD, USDA who I saw as having the same responsibilities as PAYNE.

I am aware of the Federal regulations and information set forth in the Egg Research and Consumer Information Act and other egg board related procedures. I received this information in hard copy from IVY or her administrative assistance prior to 2015 and it has been on SharePoint I believe a couple of years.

The purpose of the AEB is help increase the demand for eggs on behalf of egg producers. If I felt a member of the Egg Board or the AEB staff conducted themselves in an inappropriate manner concerning the AEB's function as established through federal regulations I knew who to contact. If it was a AEB staff member or egg board member I would go to my supervisor which would have been IVY. If it involved IVY I would go to the Chairman of the Board and currently that is Paul SAUDER. No one threatened to say something bad about me if I went to the USDA.

Executive Committee members are egg producers so PAYNE and IVY are not part of the Executive Committee but they attend some of their meetings. The Executive Committee is responsible for overseeing the AEB. I believe they oversee IVY.

I am aware of Josh TETRICK, Owner of Hampton Creek and his products to include Just Mayo and Beyond Eggs. I have been aware of TETRICK and his products since 2012-2103. I think he has a cookie dough product and pancake mix. Hampton Creek does not use eggs in their products, spent fowls or products of spent fowls and the company is not an egg producer. Because he does not use eggs in his products he is not a part of the Egg Board.

There are a number of other companies/products similar to Hampton Creek. I do not know their names or approximately how many companies/products but he is not the first person with eggless products.

I became aware of TETRICK because he began targeting the egg industry about how poorly we treat our animals, our sustainability from an environmental stand point and being generally untruthful about the egg industry. We started to see an increase in media coverage. TETRICK's comments were very anti-egg industry. He said he wanted to get rid of the egg industry.

Edelman has been our public relations agency of record since 2006 and we used them through calendar year 2015 for media monitoring. Edelman was paid for their work touting the benefits of eggs using checkoff funds from AEB. I do not have an approximate amount of AEB checkoff funds used by AEB to Edelman.

I was copied on an email dated December 3, 2013 email from Anthony ZOLEZZI. It's been a few years and I do not recall what I thought. My recollection of this was that during a meeting on a different topic he brought up that he thought Just Mayo was deceptive and that he could

alert Whole Foods to that fact. I think he was going to contact them on his behalf and not AEB's behalf. I did not contact Whole Foods.

I received and read an email dated December 16, 2013 with the subject Beyond Egg Budget from IVY in which she mentioned the Executive Committee approved a \$59,500 Beyond Eggs budget from the Administrative Special Projects budget. She also mentioned she would send me invoices and I cannot remember if she did.

I received and read an email dated December 23, 2013 from IVY with the subject Whole Food & Beyond Eggs. In the email IVY mentioned I spoke with Tom. Tom is Thomas HALL who is a marketing and advertisement executive. He is a consultant and I cannot remember the name of his company. I, ZOLEZZI, IVY and other egg producers met in Chicago concerning advertising and marketing ideas for the egg industry. My recollection of the meeting was that ZOLEZZI mentioned he felt that the Just Mayo product was deceptive to consumers because it did not meet the standard of identity for mayonnaise, it did not contain eggs, yet it had an a picture of an egg on its label.

In reviewing a chain of emails dated February 3-5, 2015 with the subject Just Mayo, I started the email chain in emailing Brittany NOVAK, Client Business Partners, NIELSEN. I was the client contact with NIELSEN and ordered sales data of Just Mayo brand products. The objective was to determine how Just Mayo products were selling.

I do not recall which budget IVY used for this project. I knew she was using AEB checkoff funds for this pro-egg campaign.

I feel our use of AEB checkoff funds was well within our mission of the AEB because it was positive for eggs not negative against Just Mayo. I do not see what we did concerning Just Mayo as being unfair. I do not feel I or the AEB were being deceptive in our acts or practices.

I feel this way knowing and reviewing the federal regulations 7 US Code 2706 (a) in part: Advertising, sales promotion, and consumer education plans or projects; prohibition on reference to private brand or trade name and use of unfair or deceptive acts or practices. Providing for the establishment, issuance, effectuation, and administration of appropriate plans or projects for advertising, sales promotion, consumer education and with respect to the use of eggs, egg products, spent fowl, and products of spent fowl, and for the disbursement of necessary funds for such purposes.

I also reviewed the federal regulation 7 US Code 2706 (a) which stated in part: No such advertising, consumer education, or sales promotion programs shall make use of unfair or deceptive acts or practices in behalf of eggs, egg products, spent fowl, or products of spent fowl or unfair or deceptive acts or practices with respect to quality, value or use of any competing product.

The actions I and the AEB took qualified as consumer education and reputation management which is within the mission of AEB. It's hard to increase egg demand if your industry or product has a poor reputation.

I look and looked at engaging Edelman as consumer education, media monitoring and reputation management. I cannot recall specifically who else interacted with Edelman but it would have been AEB employees here such as IVY, SCHAFFNER, Mitch KANTER, Executive Director, Egg Nutrition Center; and Mia ROBERTS, Vice President of Strategic Operations, AEB; John HOWETH, Senior Vice President of Foodservice and Marketing, AEB.

Edelman does issues management for us which could be anything from avian influenza to animal rights activists. I was involved in some of the discussion concerning Just Mayo which at the time included Edelman, IVY, KANTER, John HOWETH, Senior Vice President of Foodservice and Marketing, AEB; and ROBERTS. These discussions occurred from approximately 2012/2013 until 2015. I do not think there is any further dedicated work efforts from AEB to Hampton Creek's products today and I am not sure when funds stop being used for this purpose. I do not know how much AEB Checkoff funds I was individually responsible for using concerning this project. Edelman was also paid for other services besides those related to this project.

HOWETH and I did communicate via an email chain on January 9, 2014 concerning Just Mayo labeling and contacting the United States Food and Drug Administration (FDA) regarding the statement of identity for mayonnaise. Just Mayo did not meet the standard of identity for mayonnaise. I never contacted FDA and I do not know if anyone else contacted the FDA.

I received and read an email from IVY to me dated July 10, 2015 in which she mentioned once I responded to anything on Hampton Creek delete my emails. I did not have an opinion of this communication and I do not believe I deleted any emails.

I am aware AEB tried to become a member of the Association for Dressings and Sauces (ADS). I do not recall the purpose of AEB becoming a member of ADS but I think it dealt with increasing the sale of eggs with companies that made dressings and sauces. AEB did not become a member of ADS. I do not recall if joining ADS had anything to do with Hampton Creek.

We did not use bloggers attacking Just Mayo but we have used bloggers to talk about the benefits of eggs and egg products. We did have some key word search where if you Googled TETRICK and his company Hampton Creek and their products to include Just Mayo and Beyond Eggs what would come up would be a positive message for eggs. The ads were not negative towards Just Mayo.

It was positive messaging for eggs under reputation management. We do this for a variety of competitive products such as cereal. We worked this through Starcom which is our paid media agency. AEB checkoff funds were used for the keyword search related to TETRICK and his company Hampton Creek and their products to include Just Mayo and Beyond Eggs. I do not know the timeframe of this activity but we have done keyword searches for other competitive products. The USDA guidelines do not allow negative ads but we can do positive advertisements.

There was no public marketing campaign I was involved in that included negative messaging against TETRICK's company and product. AEB was defending the egg industry and correcting falsehoods.

I do not feel mine or the AEB's use of checkoff funds as they related to TETRICK and his products was inappropriate because our response to statements made by TETRICK dealt with consumer education and reputation management which is within the mission of AEB. I do not know the approximate amount of AEB checkoff funds used and I do not recall if I ever contacted the USDA, to include PAYNE, SNYDER or DEBORD concerning the use of checkoff funds concerning TETRICK's company and products. I do not know if anyone else contacted them or not. I do not recall if anyone said at any of the meetings we had concerning TETRICK and his products that they said they would contact anyone from the USDA.

Besides Edelman, Starcom and Neilsen I cannot recall any other company I or the AEB used on this project. I do not know if the Executive Committee outside of the December 2013 email in which IVY said they approved the \$59,500 Beyond Egg budget, were aware of what I or AEB did concerning TETRICK's company and products. IVY usually dealt with the Executive Committee and board members. I do not recall speaking to any of the Executive Committee or Egg Board members concerning TETRICK's company and products.

I was not directly involved with Unilever.

I have read this statement consisting of five pages and have been given the opportunity to make additions or corrections. It is true, complete and correct to the best of my knowledge.

//////////////////////////////////////END OF STATEMENT//////////////////////////////////////

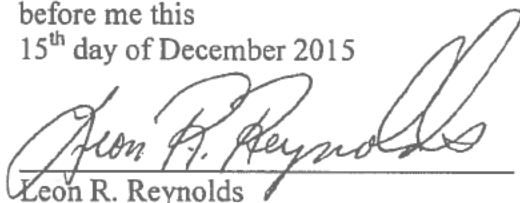
(b) (6)

Kevin BURKUM

12-15-15

Date

Subscribed and Sworn to
before me this
15th day of December 2015



Leon R. Reynolds
Personnel Misconduct Investigator
Agricultural Marketing Service
U.S. Department of Agriculture

City: Park Ridge
State: IL

I, Ashley G. RICHARDSON, being duly sworn on oath, make the following statement freely and voluntarily to Jeffrey J. SOTOSKY, who has identified himself to me as a Compliance Officer, with the Agricultural Marketing Service, USDA, knowing this statement may be used in evidence.

I am the Director of Industry Communications, American Egg Board (AEB) and started working for AEB in the summer of 2008. My immediate supervisor is Mia ROBERTS, Vice President of Strategic Operations, AEB. ROBERTS is officially my supervisor, but when Joanne IVY, former CEO, AEB, was in office I also reported to her depending on what I was working. IVY retired on September 30, 2015.

My duties and responsibilities include writing and editing communications to assessment paying producers. I was aware of my duties and responsibilities when I was hired. Since I have been at AEB my job description has changed over the years, but that documentation is in writing. Every fall I have a performance evaluation which is conducted by ROBERTS. I do not supervise any employees.

As part of my duties and responsibilities I sometimes interact with Kenneth PAYNE, Director, Research and Promotion Division, Livestock, Poultry, and Seed Program (LPS). When I send external communications or outreach it has to be approved by PAYNE. From my understanding PAYNE's duties and responsibilities include overseeing that we are following the rules of the checkoff program and to make sure the claims AEB makes in communications are valid. I have worked with PAYNE since he started his role as the AMS oversight point of contact. Prior to PAYNE, Angie SNYDER and Emily DEBORD were AMS oversight employees.

I am aware of the Federal regulations and information set forth in the Egg Research and Consumer Information Act. I have been aware of this information since I started working at AEB.

The purpose of the AEB is drive demand and consumption for eggs and egg products. If I felt members of the Egg Board or the AEB staff conducted themselves in an inappropriate manner concerning the AEB's function as established through federal regulations I know I could contact USDA Office of Inspector General if necessary. I could also contact PAYNE since he is the AMS oversight point of contact (POC). I would say that I have known I could contact OIG or the AMS oversight POC since I began working at AEB.

To the best of my knowledge the members of the Egg Board's Executive Committee (Executive Committee) are Paul SAUDER, Chairman, R.W. Sauder Inc., Lititz, PA; Roger DEFFNER, Immediate Past Chairman, National Food Corp., Everett, WA; Blair VAN ZETTEN, Vice Chairman, Oskaloosa Food Products, Oskaloosa, IA; Scott RAMSDELL, Secretary, Dakota Layers LLP, Flandreau, SD; Clint HICKMAN, Treasurer, Hickman's Egg Ranch, Buckeye, AZ; Andrew REICHMAN, Parker & Reichman Inc., Andrews, NC; Tom HERTZFELD II, Hertzfeld

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Poultry Farms, Inc., Grand Rapids, OH. The Executive Committee is responsible for overseeing AEB's larger organizational issues such as employee benefits, re-alignment of program budgets, and all organizational accounting goes through the Executive Committee.

AEB assessed funds can be used for marketing and education to drive demand for eggs and egg products. We are not allowed to lobby and are funds cannot be used for lobby related activities. We are not allowed to disparage competing companies or products.

In my job I receive invoices and code them. Then I send them to ROBERTS who reviews and approves them and then she sends them to Ken HOFFMAN, Director of Finance and Human Resources, AEB. When IVY was CEO she would also review the invoices. All contracts ultimately have to go through PAYNE for approval.

I am aware of Josh TETRICK, Owner of Hampton Creek and his products to include Just Mayo and Beyond Eggs. I have been aware of TETRICK and his products for about the last two years. I would categorize TETRICK's products as eggless options. Some of TETRICK's products contain egg replacers such as plant proteins.

There are numerous egg replacer products on the market and there are a lot of companies who have tried to develop products without eggs. In my line of work I report to producers program updates related to AEB's efforts to promote real eggs to food formulators. I have been reporting on these situations since I began working for AEB.

AEB Industry Programs, of which Industry Communications is part of, uses Edelman which is a public relations company with our "Good Egg Project". This is a farm to table and image campaign. Part of the project is educational outreach. We also use Quiet Light Communications primary for AEB's website (AEB.org).

None of the projects I have directly worked on focused on TETRICK or any of his products. However, there was a general awareness that Edelman was assisting with communications involving Beyond Eggs.

AEB has a long standing relationship with Edelman. They have been our main public relations company since 2008. They have worked on various projects for AEB. I am not sure the contract specifics between AEB and Edelman. Funds are allocated and approved to cover costs for Edelman. The AEB has typically had a line item in the budget to cover real egg promotion which would fall under Egg Product Marketing which is run by Elisa MALOBERTI who reports to John HOWETH. I had a general awareness that there was a line item dedicated to Beyond Eggs; however, I am not sure the year. I never saw a statement of work detailing what services Edelman would be conducting.

AEB has used Edelman's Crisis Management team for matters such avian influenza outbreak and the 2010 egg safety recall. All PR companies have some sort of crisis management team. I cannot be for sure if Edelman's crisis management team ever executed any programs. I am aware there were talks with Edelman regarding crisis management. The crisis management team

was headed by Andy LIUZZI, but I am not sure what other Edelman employees were part of that.

I have sent out “eblasts” where I would send out an email to the industry on behalf of IVY and all of the responses would go to her. I do not recall any emails that were sent mentioned any specific companies or products. I do recall an email that focused on the benefits of real eggs and AEB’s campaign to promote real eggs.

Edelman sends AEB several types of media updates depending on what is going on. I believe there was a weekly update regarding articles about the status of Hampton Creek/Beyond Eggs. These would have been sent internally to AEB staff recapping media coverage. Edelman has done this in the past for The Kevin Bacon campaign and the avian influenza outbreak. I do not feel that Edelman was used to target Hampton Creek or for the purpose of deterring someone from buying an egg alternative product such as Beyond Eggs Just Mayo. I do not feel that AEB assessed funds were used to target Hampton Creek.

I was generally aware that there was a conflict with the Just Mayo label because it did not contain egg and was labeled as mayo, however, I am not aware that anyone contacted the Food and Drug Administration (FDA) concerning Beyond Eggs or any of its affiliates. I do not recall any discussions or being part of any emails that related to contacting the FDA about Just Mayo.

I am not aware that any AEB employees used AEB assessed funds for the purpose of influencing government policy or action.

I do not know how much money was spent by AEB concerning TETRICK’s company/products. I feel that AEB has spent funds regarding TETRICK and his products appropriately. AEB has a long standing history of being aware of our regulatory limits and an overall awareness of not violating those. In this case, while different, is very similar to how AEB has treated other egg replacers available in the market place. The emphasis has always been on promoting real eggs. A lot of the discussions involving Hampton Creek were internal discussions and were meant for staff to help decide what to do within our regulatory limits.

All AEB budgets and contracts must be approved by the USDA. I have no knowledge that the AMS oversight POC ever had issues with the budget or contracts that involved Beyond Eggs.

There has been a long standing program involving bloggers who promote eggs. Bloggers were part of the “Good Egg Project”, but I have no knowledge that bloggers were hire to specifically talk about Beyond Eggs. All blog posts would have been USDA approved and there would have been a disclosure in the blog that it was conducted in partnership with the AEB.

I reviewed an email dated July 21, 2015, from IVY to me with the subject “Producer Assessment Letter”. The email included an attachment titled “7.20.15 Assessment Letter.docx”. This letter was something the Executive Committee wanted done and the letter was USDA approved. It does mention egg replacers and Beyond Eggs. I am unaware if the final draft mentioned Beyond Eggs.

I reviewed an email dated September 24, 2014, that I sent to IVY with the subject "Notes". Included in the email was an attachment titled "Notes". This was a stakeholder meeting involving the Center for Food Integrity, Edelman, AEB and United Egg producers (UEP). The meeting was regarding the cage requirement change in the California. Based on my notes, Missy MAHER, Edelman, related that Beyond Eggs was a huge potential issue and IVY added that was an area where AEB could step in. I cannot recall any discussion that occurred based on her comment or Joanne's response.

I believe there have been multiple Freedom of Information Act (FOIA) requests involving Hampton Creek, Beyond Eggs, and Just Mayo. I do not recall having a lot of emails pertaining to the FOIA. Frank GRAY, Information Technology Director, may have completed searches through the server.

I never withheld any emails that dealt with Hampton Creek, Beyond Eggs or Just Mayo and I am not aware of anyone who had done that.

I reviewed an email dated July 10, 2015, with the subject "Re: Hampton Creek Signs Kathleen Sebelius" from IVY to BURKUM, ROBERTS, KANTER, HOWETH, SCHAFFNER, Missy MAHER, Leslie HUMBLE, Andrew LIUZZI and Pamela VONLEMDEN. In the email IVY directed them to delete any emails pertaining to Hampton Creek once they responded. She also noted that she already deleted her emails and deleted her trash.

I did not receive this email and I was never asked or directed to delete any emails. I have been directed not to delete emails in staff meetings by IVY.

I was not aware that any AEB employee attempted to gain membership to the Membership with the Association for Dressings & Sauces (ADS) until I saw complaint.

I feel that AEB was treating Beyond Eggs as a typical egg replacer company; however, they did generate a significant amount of money and support without having a large footprint. IVY made comments that Beyond Eggs was a threat to the industry. IVY related that she was hearing from producers about Beyond Eggs and she would normally pass that information on to select AEB staff.

I was present in IVY's office when she received a phone call. I cannot recall when this occurred, maybe June 2015 or prior. I tried to leave the room, but IVY told me to stay. The phone conversation was short and IVY responded with one word answers. After IVY was off the phone she related to me that person who called was Anthony ZOLEZZI. She said ZOLEZZI told her that he could have Just Mayo removed from the shelves of Whole Foods. She made a comment of disbelief to the effect of "like one person could have a product removed from Whole Foods". IVY pretty much dismissed ZOLEZZI's claims as if he was crazy. This may have been the first time I heard ZOLEZZI's name. IVY never said anything about having ZOLEZZI

making a call to Whole Foods or that she was going to pay him for his services. To my knowledge ZOLEZZI never conducted any work for AEB and he was never paid any money.

I had no knowledge before the complaint that Mitch KANTER, Director, Egg Nutrition Center or Mike SENCER, Hidden Villa Ranch, wrote threatening emails about TETRICK.

I have no knowledge that MALOBERTI said anything to the effect that if they could prove plant-based ingredients in Beyond Eggs were GMO then maybe Whole Foods would take action against them.

I recall IVY telling me that a UNILEVER representative reached out to her to see if AEB had any information regarding Hampton Creek that she could share. She related to me that she told the UNILEVER representative that was not something she could comment on. I cannot recall when this occurred, but I believe it was during the time UNILEVER was in litigation with Hampton Creek. I have no knowledge that any AEB employees provided information to UNILEVER regarding Hampton Creek.

I have read this statement consisting of five pages and have been given the opportunity to make additions or corrections. It is true, complete and correct to the best of my knowledge.

//////////////////////////////////////END OF STATEMENT//////////////////////////////////////

(b) (6)

Ashley G. RICHARDSON

12/15/15
Date

Subscribed and Sworn to
before me this
15th day of December 2015



Jeffrey J. Sotosky
Compliance Officer
Agricultural Marketing Service
U.S. Department of Agriculture

Initials (b) (6)
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Reynolds, Leon - AMS

From: Joanne Ivy <Jivy@aeb.org>
Sent: Monday, December 23, 2013 8:07 AM
To: AZ
Cc: Kevin Burkum; Chad Gregory; Kevin Burkum
Subject: Re: Whole Foods & Beyond Eggs

Thanks Anthony for your help. I appreciate your offer, and I was wondering if you had a progress report on Beyond Egg products, such as Just Mayo, being removed from the shelves of Whole Foods. Since our meeting, I understand that Just Mayo is now in over 51 stores.

Kevin has talked with Tom about a few areas that AEB possibly could work with your team. We are waiting to hear back from Tom on a proposal.

Thanks. Looking forward to hearing from you. Joanne

Sent from my iPad

On Dec 3, 2013, at 10:54 AM, "AZ" <anthony@azolezzi.com> wrote:

Joanne will do -- great to meet you, look forward to being able to work with you in the future -- AZ

Anthony Zolezzi

(b) (6)

On Dec 3, 2013, at 6:54 AM, Joanne Ivy <Jivy@aeb.org> wrote:

Good morning Anthony, It was a pleasure to meet you, Tom, and your associates at the meeting on November 20. I thought it was a good meeting. A lot of thoughts and ideas were presented in the 3 ½ hour meeting, and we are still reviewing some of the ideas. As you were not aware, AEB has already done or is doing many of the ideas that were pitched, but I know that there are some ideas that we are interested in discussing further with Hall Worldwide.

In the meantime, I want to follow up on an offer you made at the meeting when we were discussing Beyond Eggs. You said that you could make a telephone call to Whole Foods to guarantee that they would not sell Beyond Eggs' *Just Mayo*. It was first publicized that Whole Foods had the Beyond Eggs' *Just Mayo* on their shelves, but we have checked and it is not currently available yet. They are now saying it will be fall. So, I would like to accept your offer to make that phone call to keep *Just Mayo* off Whole Foods shelves. Thank you in advance for placing the call to Whole Foods.

We will be getting back in to touch with Tom in the coming weeks to discuss further some of his thoughts. Joanne

Joanne C. Ivy, CAE | *President & CEO*
American Egg Board
O 847.296.7043 | D 224.563.3701 | C 847.606.3166
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068

IncredibleEgg.org AEB.org

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If you have received this email in error, please advise the sender, and delete it from your computer.

City: Washington
State: DC

I, Kenneth Ramey PAYNE, being duly sworn on oath, make the following statement freely and voluntarily to Leon R. REYNOLDS who has identified himself to me as a Compliance Officer, with the Agricultural Marketing Service, USDA, knowing this statement may be used in evidence.

I am the Director, GS-15, Research and Promotion Division, Livestock, Poultry, and Seed Program (LPS), in Washington, DC. I have been assigned to Washington, DC since 2002 and have been employed full time with the federal government since June 1989. My direct supervisor is Dr. Craig MORRIS, Deputy Administrator, LPS.

My duties and responsibilities include the oversight of six research and promotion programs. The research and promotion boards under my oversight are Beef, Pork, Lamb, Soybeans, Sorghum, and Eggs. I have Agricultural Marketing Specialists that work under me that oversee each of these programs. The Specialist has the authority to review and approve all the plans, projects and communications such as press releases, producer communications, consumer information, and nutrition information of their respective Program assignment. MORRIS approves the annual budget and I have the authority along with staff to approve the amended budget. When I say amended budget I am referring to any increase or decrease of funds approved in the initial budget.

The Specialist does not have to come to me with the plans, projects and communications they have reviewed and approved. The Specialist will come to me if they have questions about activities or communications regarding their respective Programs. Once the Specialist approves any of the items they do not have to notify me. If the item is something we have talked about they will keep me informed and advise me what eventually happened.

I have been the only person overseeing the Egg Board/American Egg Board (AEB) since the mid or latter part of 2014. Angie SNYDER, Associate Deputy Administrator, LPS oversaw the Egg Board/AEB as far back as before the Poultry Program merged with LPS. Emily DEBORD, Agricultural Marketing Specialist, Research and Promotion Division, Dairy Program was with LPS and during her time with LPS she also had the responsibility of oversight of the Egg Board/AEB.

As part of mine, SNYDER and DEBORD's duties and responsibilities we were all familiar with the Egg Research and Consumer Information Act (the Act) and Egg Research and Promotion Order (Order). The Act is the law on which regulates the Egg Board/AEB duties and responsibilities. The Order expounds to further explain the Act in more layman's terms. The proposed Order is submitted by the industry. I was SNYDER and DEBORD's supervisor before they left my Division. SNYDER managed the Egg Board/AEB most of her career then DEBORD managed Egg Board/AEB until she left in June 2014. SNYDER to it back over briefly then I took over Egg Board/AEB.

In my capacity I also act on behalf of the United States Secretary of Agriculture, sometimes referred to as the Secretary in the Act and other regulations concerning the Egg Board. When SNYDER and DEBORD oversaw the Egg Board/AEB they acted on behalf of the United States Secretary of Agriculture as mentioned before being referred to as the Secretary. The United States Secretary of Agriculture has delegated oversight responsibilities to AMS.

The Act, states the Egg Board/AEB shall develop and submit to the Secretary for approval any programs or projects authorized such as programs and projects that provided for the advertising, sales promotion, and consumer education with respect to the use of eggs, egg products, spent fowl, and products of spent fowl: establishment and carrying on of research, marketing, and development projects and studies with respect to sale, distribution, marketing, utilization, for production of eggs, egg products, spent fowl, and products of spent fowl, and the creation of new products thereof. If it is found by the Board/AEB that any such program or project does not further the national purpose of the Act, the Board/AEB would not fund the program or project.

The Act further states no advertising or promotion programs shall use false or unwarranted claims or make any reference to private brand names of eggs, egg products, spent fowl, and products of spent fowl or use unfair or deceptive acts or practices with respect to quality, value, or use of any competing product.

The Egg Board staff is responsible for the day to day operations and is responsible for the administration of AEB programs. The Egg Board is responsible for developing its annual budget, establishing committees, hiring staff and setting direction for program activities. The AEB President/CEO is responsible for the AEB staff and day to day operations of program activities. The Egg Board is ultimately responsible for the direction and approval of the AEB budget and program activities.

The Executive Committee of the Egg Board is made up of members from the Egg Board. Egg Board members are domestic egg producers. The Egg Board members are nominated by industry organizations and appointed by the United States Secretary of Agriculture.

Checkoff funds expended by the AEB are collected from egg producers in the United States. The AEB receives approximately \$100,000 from Egg Farmers of Canada because they have similar interest. Those dollars help fund the Egg Nutrition Center (ENC) which is led by Mitch KANTER, Director, ENC, AEB. All funds collected, no matter the source are to be used in accordance with the Act and the Order.

I am in contact with AEB staff almost every day, with the exception of the Dan JACQUES, Mailroom Supervisor, AEB and Marianne CRADALL, Secretary, AEB; because I am reviewing and approving something every day. I am usually in contact with the AEB Vice Presidents Kevin BURKUM, Senior Vice President of Marketing, AEB; Mia ROBERTS, Vice President of Strategic Operations, AEB; John HOWETH, Senior Vice President of Food Service and Marketing, AEB; KANTER and staff underneath them. I am also in contact with Kenneth HOFFMAN, Director of Finances and Human Resources, AEB and at the time Joanne IVY, former President/Chief Executive Officer, AEB; before she retired in September 2015. I feel I have a good working relationship with the AEB and Egg Board.

I became aware of Josh TETRICK, Owner of Hampton Creek and his products to include Just Mayo and Beyond Eggs in December 2014 when a Freedom of Information Act (FOIA) request came in to AMS from Ryan SHAPIRO. SHAPIRO requested documents in reference to Just Mayo, Hampton Creek and other information. There were several line items in his request. His request I believe also involved the USDA Specialty Crops Program (further known as Fruit and Vegetable Program). Before the FOIA request I had not heard of TETRICK, his company or his products to include Just Mayo and Beyond Eggs.

My understanding TETRICK's company does not use eggs in some of his products. My understanding is there may be some products that could be competitive as egg replacers to the egg industry. TETRICK is not part of the Egg Board nor does he serve on a committee.

The AEB may fund programs designed to compare competing product's nutritional values and other product differences. Some years they may do these programs some years they may not. This is the Egg Board's decision. AEB having programs designed to compare competing product's nutritional values and other product difference is not written out in the Act but may fall under promotion and research activities.

I do not remember being contacted by IVY, SAUDER, or any other member of the Egg Board/AEB that IVY, in 2013, requested a Beyond Eggs Budget of \$59,500 in response to TETRICK's company and products. I review a lot of program activities from AEB and other five programs overseen in my office, but I cannot recall getting an email or having a conversation about this project. This project should have come through us either as part of the initial budget or as a new project for review and approval.

The budget year starts on January 1 of the respective calendar year. The budget is approved by the Egg Board during their July meeting and takes effect on January 1 of the following year after they have received approval from AMS. For example when the budget is approved in July 2013 it takes effect in January 1, 2014.

I was shown an email dated September 3, 2015 that I sent to Alexandria SMITH, LPS that had the AEB 2016 budget attached. On page 14 of the spreadsheet under Special Projects it list Beyond Eggs PR Campaign C/OVR 2013. In the column for 2014 actual it list \$51,040. The budget package was prepared by the Egg Board. I reviewed this document and did not notice this line item. I do not recall what the \$51,040 was used for. There was no money budgeted for this in 2016.

I reviewed the 2014 budget, which was approved by the Egg Board in July 2013; I did not see a line item for Beyond Eggs.

I did not become aware of IVY communicating with Anthony ZOLEZZI for him to contact Whole Foods to have them ensure Just Mayo would not be on their stores until my office began reviewing responsive documents to the FOIA request. As part of my oversight responsibilities I do not monitor Egg Board/AEB emails. I became aware of the communication in February 2015 and I made SAUDER aware of this issue after the March 2015 Egg Board Executive Committee

evening meeting. I approached him after the meeting, told him about the email and explained the situation. I did not have enough information at the time to decide if the email IVY sent was appropriate. Now after everything I feel her email was inappropriate.

SAUDER did not say what if anything he was going to do about the email. He just told me we live and learn from our mistakes. I went to SAUDER concerning the email because he was the Chairman of the AEB and they are in charge of the AEB staff. I did not tell anyone else about the email because he was the only one present. I did discuss the email with SNYDER because she was the one who originally brought it to my attention. I did not tell anyone else. I thought it might have been discussed in MORRIS' office but I am not sure.

Looking back I guess at the time I did not understand the seriousness of the email. That may have been because of my lack of understanding of the egg industry at the time. I never discussed this email with anyone else from the Egg Board or AEB including IVY.

I was not aware BURKUM was involved in a Beyond Egg project in which a word search was used in that if someone Googled TETRICK, his company or his products a message about eggs appeared. I was not aware Starcom was used for this search and compensated through AEB checkoff funds. If they are trying to gain a better understanding of a competing product I do not see that as an inappropriate use of checkoff funds. I look at this as part of research. I do not see this as unfair, deceitful act or practice in my opinion. I see this as an opportunity to promote eggs and egg products because they are trying to talk about the nutritional value and other product differences.

I was not aware AEB tried to become a member of the Association of Dressings and Sauces until either through another 2015 FOIA request or other information obtained by AMS. Per the AMS Guidelines for Commodity Research and Promotion programs the association would need to provide a statement to the Egg Board that checkoff funds would not be used for the purposes of influencing government action or policy.

I was not aware of the actions AEB took in response to TETRICK's company and his products until the first FOIA request.

Some inappropriate uses of checkoff funds include influencing government actions and policies (lobbying). We will not approve an ad based on religious belief or sexual connotations.

When approving a communications I may ask AEB staff where it will be published or its audience. I do not go looking for where the communications was published. The Egg Board/AEB at times does provide me with a magazine or pamphlet that was published.

I cannot recall telling the Egg Board/AEB including SAUDER and IVY to stop any actions they were taking in response to TETRICK, his company and products. I never told anyone to delete any emails.

I have read this statement consisting of five pages and have been given the opportunity to make additions or corrections. It is true, complete and correct to the best of my knowledge.

//////////////////////////////////////END OF STATEMENT//////////////////////////////////////

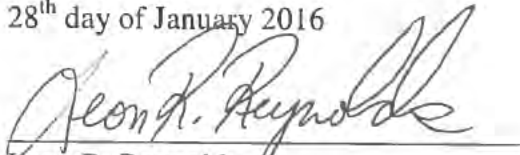
(b) (6)

Kenneth R. PAYNE

January 28, 2016

Date

Subscribed and Sworn to
before me this
28th day of January 2016



Leon R. Reynolds
Compliance Officer
Agricultural Marketing Service
U.S. Department of Agriculture

City: Austin
State: TX

I, Errol SCHWEIZER, being duly sworn on oath, make the following statement freely and voluntarily to Jeffrey J. SOTOSKY, who has identified himself to me as a Compliance Officer, with the Agricultural Marketing Service, USDA, knowing this statement may be used in evidence.

I am the Global Executive Coordinator, Grocery Procurement Team for Whole Foods Market Services, Inc., which is the administrative arm for the Whole Foods Market family of entities. I have been in this position since October 2009.

My duties and responsibilities include overseeing sales, margin and product selection for the largest department in the Whole Foods Market family. This includes oversight over these areas for 80 product categories and over 1,000 brands.

I am familiar with an individual by the name of Anthony ZOLEZZI. I met him through work on Pet Promise, which was a national pet food brand. However, they went out of business over six years ago.

I did not deal directly with ZOLEZZI and I am not sure what his role was with Pet Promise. He is not someone that keeps in contact with me and he has never reached out to me directly.

I was the individual who launched Josh TETRICK's, Chief Executive Officer/President, Hampton Creek, product "Just Mayo" at Whole Foods. I believe this was in the Fall of 2013. I visited TETRICK's facility and I was impressed with the Just Mayo product and the process that was behind the product.

ZOLEZZI never contacted me concerning Just Mayo, Beyond Eggs, Hampton Creek or the American Egg Board. He never asked me to remove Just Mayo from Whole Foods stores.

Nobody ever asked me to remove Just Mayo from Whole Foods Stores. There were some concerns regarding the labeling issue based on the Unilever law suit filed against Hampton Creek regarding the labeling of Just Mayo, but we decided to continue selling the product at Whole foods.

I do not know why ZOLEZZI would feel that he could influence Whole Foods to pull or quit stocking a product. ZOLEZZI has never contacted me at any time to request Whole Foods Market pull or quit stocking a product.

Nobody from the American Egg Board ever contacted me concerning Just Mayo, Beyond Eggs or Hampton Creek. In addition, nobody ever contacted me on behalf of the American Egg Board concerning Just Mayo, Beyond Eggs or Hampton Creek.

I have read this statement consisting of two pages and have been given the opportunity to make additions or corrections. It is true, complete and correct to the best of my knowledge.

//////////////////////////////////////END OF STATEMENT//////////////////////////////////////

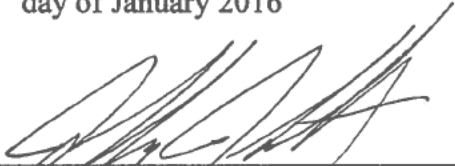
(b) (6)

ETIOP SCHWEIZER

1-6-15

Date

Subscribed and Sworn to
before me this
6th day of January 2016



Jeffrey J. Sotosky
Compliance Officer
Agricultural Marketing Service
U.S. Department of Agriculture

City: Washington
State: DC

I, Anthony J. ZOLEZZI, being duly sworn on oath, make the following statement freely and voluntarily to Jeffrey J. SOTOSKY, who has identified himself to me as a Compliance Officer, with the Agricultural Marketing Service, USDA, knowing this statement may be used in evidence.

I am a serial entrepreneur who advises corporations on ways to innovate with their existing strengths given the expectation of today's socially conscience culture, while increasing profitability and uncovering new innovations. I have been doing this type of work since 1986.

My duties and responsibilities include working with major companies and institutions for the greater good.

I am colleagues with Tom HALL who is a Chief Marketing Officer. He is the creative director on a lot of projects.

I cannot recall when I first heard about Hampton Creek and their product Just Mayo, but it was probably just before I spoke with Joanne IVY, former Chief Executive Officer (CEO) of the American Egg Board (AEB) about it. I think HALL may have told me about Just Mayo. At the time I did not know who Josh TETRICK, Chief Executive Officer (CEO)/President, Hampton Creek, was.

I reviewed an email (subject: RE: Whole Foods & Beyond Eggs) dated 12/3/2013, from the former CEO of the American Egg Board (AEB), Joanne IVY, where she stated that she wanted to accept my offer to keep Just Mayo off the shelves at Whole Foods which was brought up during a meeting on November 20, 2013. I responded that same day stating "Joanne will do".

I most likely did not read past the first two lines of this email, but after reading it now I think it is ridiculous. I would never tell anyone that I could make a call to guarantee that a product would not be sold.

At the end of the meeting BURKUM handed me a jar of Just Mayo and was asked what I thought about it. I related that I could not speak of the product but the label seemed a little suspect because it was an eggless mayonnaise that pictured an egg and was called "Just Mayo". I was told the product was being sold at Whole Foods. I related that I knew someone at Whole Foods and I would contact them to see what they say about the Just Mayo label.

I went to a Whole Foods at Fairfax and 3rd in Los Angeles, CA and spoke with my friend Dave who is the general manager there. I cannot recall Dave's last name. I asked him about Just Mayo and he related that they were only using it on their sandwiches. I never thought anything else about it.

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Initial
Page 1 of 4

Exhibit 14
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HALL and I went to the meeting mentioned in the email to tell the AEB what they should be doing better to promote eggs. HALL and I initiated this meeting. I recall that at first AEB did not want to meet with us, but we kind of pushed our way in. Besides IVY, Kevin BURKUM was there and one other male, but I cannot recall their names. The purpose of the meeting was not to discuss Hampton Creek or Just Mayo. That only happened at the end of the meeting. That was the first time I actually saw the product.

When I wrote "Joanne will do" I did not mean that I was going to contact Whole Foods to stop Just Mayo from being sold. I probably just briefly read IVY's email and said "will do".

I feel that if there was a good reason (human health reason) I could contact Whole Foods and have a product removed; however, it would have to be for a good reason. For example if there was a quality defect or if something was harmful. Whole Foods vets their labels before they put anything on their shelves, so I would not question any product labels from Whole Foods. I never contacted anyone at Whole Foods in an attempt to stop selling Just Mayo and I never asked anyone else to call Whole Foods.

There was never a discussion about a fee for me to call Whole Foods and I was never paid anything. I just wanted to call Whole Foods to find out more about Just Mayo. I do not know where IVY got the idea that I was going to have the product pulled from the shelves.

After receiving IVY's email on December 3, 2013, I did not take any action.

I have never conducted any type of work for AEB. I have worked with United Egg Producers and Humane Society of the United States on different projects.

I reviewed an email string (subject: Re: Anthony Zolezzi) which included an email dated 1/27/14, from HALL to IVY stating that I could meet IVY and Kevin BURKUM, Senior Vice President of Marketing, AEB, on Monday the third (February 3, 2014) from 2:00 p.m. to 3:00 p.m.

I do not believe that I attended this meeting. I believe HALL attended, but I was unable to make it. I am not sure what the exact purpose of this particular meeting was. The whole theme of HALL and I being involved was to get AEB to up their game about marketing eggs.

I reviewed a string of emails dated 2/14/2014 between IVY, HALL and BURKUM regarding a significant development affecting the egg industry. I do not know what this email is referring to and I do not know what the issue was.

I believe I was in New York, when I received a phone call from Candice Choi, Associated Press, who basically asked me similar questions that Compliance Officer SOTOSKY is asking me about Just Mayo. I cannot recall when this took place. I had a subsequent conversation with

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someone about the matter, but I cannot recall who it was or if they were from AEB. I do recall being asked about being paid by AEB. I do not recall ever speaking with IVY about this.

I never contacted the Food and Drug Administration (FDA) and nobody from AEB ever asked me to contact the FDA regarding the Just Mayo label.

I never contacted Unilever regarding Just Mayo and nobody from AEB ever ask me to contact Unilever.

I have recently spoken with TETRICK. I apologized to him because I felt bad that he thought I may have done something to damage his brand. He asked me about my alleged comment that I could remove Just Mayo from Whole Foods. I told him that I never said that, but I did tell him that I questioned the label. I told him that I was always out for the entrepreneur and that I was his supporter. I told TETRICK that the whole reason that I attended the one meeting with AEB was because I did not feel that they were doing a good job marketing eggs.

I did not tell him that I was not supportive of the things AEB was engaged in. I feel that AEB's overall marketing strategy was not that robust.

I have no idea if AEB targeted Hampton Creek and I have no knowledge that AEB used funds to try and target Hampton Creek.

Since the complaint was made against AEB nobody from USDA besides CO SOTOSKY has contacted me. Besides talking with CHOI and TETRICK I have not spoken to anyone else about this matter

I have read this statement consisting of four pages and have been given the opportunity to make



additions or corrections. It is true, complete and correct to the best of my knowledge.

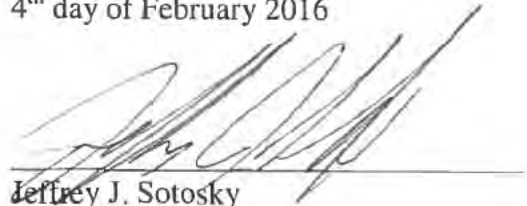
//////////////////////////////////////END OF STATEMENT//////////////////////////////////////

(b) (6)

Anthony J. ZOLEZZI

2/4/16
Date

Subscribed and Sworn to
before me this
4th day of February 2016



Jeffrey J. Sotosky
Compliance Officer
Agricultural Marketing Service
U.S. Department of Agriculture

(b) (6)

Sotosky, Jeffrey - AMS

From: John Howeth <JHoweth@aeb.org>
Sent: Thursday, December 19, 2013 10:04 AM
To: Elisa Maloberti; Elisa Maloberti
Cc: Mitch Kanter; John Howeth; John Howeth
Subject: RE: Whole Foods to drop Chobani Yogurt from their stores in 2014
Attachments: image001.png; image002.png; image003.png; image004.png; image005.png; image006.png

Great thought, we'll want to make sure the at Gil looks for this in his patent analysis.

John Howeth
VP, Ingredient & Commercial Marketing
American Egg Board
1460 Renaissance Drive
Park Ridge, IL 60068
Office: 847.296.7043
Direct: 224.563.3705
www.AEB.org

From: Elisa Maloberti
Sent: Thursday, December 19, 2013 8:57 AM
To: John Howeth
Subject: Whole Foods to drop Chobani Yogurt from their stores in 2014

If we can prove that the plant-based ingredients in Beyond Eggs are GMO, maybe Whole Foods would take notice and take action against Beyond Eggs like they've done to Chobani Yogurt. According to an article in Food Business News "Whole Foods Market challenged its Greek yogurt suppliers to create unique options for shoppers to enjoy — including exclusive flavors, **non-G.M.O. options** and organic choices." Imagine the PR buzz that can be created if Whole Foods was on our side...

http://www.foodbusinessnews.net/articles/news_home/Consumer_Trends/2013/12/Whole_Foods_to_drop_Chobani_Gr.aspx?ID=%7b0AA1215D-C547-4FB5-BD52-704EF4E25047%7d&e=emaloberti@aeb.org

Elisa Maloberti | *Director of Egg Product Marketing*

American Egg Board

O 847.296.7043 | D 224.563.3711

PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068

AEB.org IncredibleEgg.org



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Exhibit 15

Page 1 of 1

City: Park Ridge
State: IL

I, Elisa M. MALOBERTI, being duly sworn on oath, make the following statement freely and voluntarily to Jeffrey J. SOTOSKY, who has identified himself to me as a Compliance Officer, with the Agricultural Marketing Service, USDA, knowing this statement may be used in evidence.

I am the Director of Egg Product Marketing for the American Egg Board (AEB) and I have been in this position since 2007. I have worked for AEB since 1989. My immediate supervisor is John HOWETH, Senior Vice President of Foodservice and Marketing, AEB. Since Joanne IVY, former CEO, AEB, retired in September 2015, Paul SAUDER, Chairman, R.W. Sauder Inc. and Blair VAN ZETTEN, Vice Chairman, Oskaloosa Food Products, Oskaloosa, IA have been overseeing AEB.

My duties and responsibilities are to support AEB's marketing mission to increase the consumption of shell eggs and egg products. Egg products falls under my area of responsibility.

To conduct my duties and responsibilities I have an email account. My email address is emaloberti@aeb.org. I am the only person sending emails from my AEB email account. There is a password to log to on to my computer.

As part of my duties and responsibilities I interact with Kenneth PAYNE, Director, Research and Promotion Division, Livestock, Poultry, and Seed Program (LPS) often. From my understanding PAYNE's duties and responsibilities include providing oversight to make sure the AEB stays within the regulations that AEB must abide by. PAYNE has been the AMS oversight point of contact (POC) for about the last two years. Prior to PAYNE I worked with Angela SNYDER and Emily DEBORD who were also AMS oversight POC's.

I am aware of the Federal regulations and information set forth in the Egg Research and Consumer Information Act and other egg board related procedures that assessed funds were to be used for the effective and continuous coordinated program of research, consumer and producer education, and promotion designed to strengthen the egg industry's position in the marketplace, and maintain and expand domestic and foreign markets and uses for eggs, egg products, spent fowl, and products of spent fowl of the United States. The regulations also mentioned no such advertising, consumer education, or sales promotion programs shall make use of unfair or deceptive acts or practices on behalf of eggs, egg products, spent fowl, or products of spent fowl or unfair or deceptive acts or practices with respect to quality, value, or use of any competing product. I have known this information since I began working with AEB.

The purpose of the AEB is to promote shell eggs and egg products to increase the consumption of those products. If I felt members of the Egg Board or the AEB staff conducted themselves in an inappropriate manner concerning the AEB's function as established through federal regulations I know I could contact HOWETH. I would go through my chain of command if I did not receive the response that I was looking for. About five years ago when the AMS Compliance Branch was at AEB conducting interviews it was made aware to me that I could also contact the USDA Office of Inspector General if necessary.

I do not have a lot of interaction with AEB's Executive Committee but I believe that the following individuals are current members: SAUDER; VAN ZETTEN; Tom HERTZFELD II, Hertzfeld Poultry Farms, Inc., Grand Rapids, OH and Roger DEFFNER, National Food Corp., Everett, WA. The Executive Committee is responsible for overseeing the board and committee activities and total oversight of AEB activities.

AEB assessed funds should be used for promoting the consumption of shell eggs and egg products. Also, for promoting the functionality of eggs as an ingredient in packaged egg products and the health benefits of eggs and egg products. All of AEB's contracts are approved by the USDA. We work to have approval by USDA on collateral material such as brochures, newsletter communications, advertising messages, press releases, and blog messages.

I am aware of Josh TETRICK, Owner of Hampton Creek and his products including Just Mayo and Beyond Eggs. I may have been aware of TETRICK and his products for a little over two years. TETRICK claims his products are egg replacers, based on a plant based protein instead of animal protein. To my understanding TETRICK's product, Just Mayo, is an eggless product based on pea protein as an emulsifier. I believe the first time I saw something regarding TETRICK and his products was in a food ingredient publication.

There are other eggless bread spreads similar to Just Mayo, but I cannot think of any at this time. TETRICK is promoting an eggless egg replacer Beyond Eggs, which is one of many eggless egg replacers used as ingredients in the market. I cannot think of the specific names of these other companies, but they are listed in an egg replacer comparison that Strategic Growth Partners conducted for AEB.

Some of the agencies that AEB has used for the promotion, research and marketing of projects and studies with respect to sale, distribution, marketing, utilization, or production of eggs, egg products, and the creation of new products include Edelman (Public Relations for Consumer Program), Quiet Light Communications (public relations/advertising in the ingredient area), Neilson, Starcom, and Mintel. These are just some agencies that AEB works with. However, within my duties and responsibilities I only work with Quiet Light Communications, Mintel, Strategic Growth Partners and CuliNex.

The agencies used to respond to Beyond Eggs were Edelman; however, I did not have any involvement with EDELMAN.

Egg replacers have been on the market for many years. In 2006 or 2007 a white paper titled "Accept No Substitutes" was created by I believe Quiet Light Communications. The paper topic was egg replacers and addressed functionality issues, taste and clean label attitudes of consumers. I believe in 2014, activity on a new white paper titled "Real Eggs Make a Real Difference" began by Quiet Light Communications. This was a refresh of the previous white paper to update the content. No product or companies were named in the final white paper. The white paper was debuted at the July 2015 Institute of Food Technologist Expo.

I reviewed an email and three attachments that I sent on 8/5/13 regarding AEB's volumetrics study conducted by Jerry SMILEY, Strategic Growth Partners. The objective of the study was to

compare multiple egg replacers, including Beyond Eggs to determine the landscape of these products. One of the attachments was a power point presentation that listed the results of the study. Beyond Eggs and the other replaces were mentioned and no company or product was singled out. I am not sure if the results of this study were used in the updated white paper.

I reviewed an email dated 11/25/14, that I sent to Christine ALVARADO, Professor at Texas A&M University, where I related that we were refreshing our white paper titled "Accept No Substitutes". I noted what our objectives were and I said that we wanted to move quickly because we were getting a lot of inquiries regarding the Unilever/Hampton Creek lawsuit. This paper was not drafted because of Hampton Creek, but we were getting a lot more inquiries regarding egg replacers. I believe Unilever dropped their lawsuit against Hampton Creek in December 2014. We knew that our egg replacer white paper was outdated and we wanted to get more updated information. I had no knowledge that this white paper was generated for Unilever's benefit. Based on the email string ALVARADO did not assist with the paper.

I reviewed an email string dated 11/24/14, between HOWETH and me regarding the "Accept No Substitutes" white paper. HOWETH gave me the approval to ask Dr. Kevin KEENER to assist with the paper and to do whatever it took regarding the price. I do not think he assisted with the white paper.

I reviewed an email dated 5/13/14 that I sent to PAYNE which included a power point presentation. This was a power point that I personally gave to DEBORD and PAYNE in Washington, DC. This was the time when DEBORD replaced SNYDER as the AMS oversight POC. The presentation was to educate DEBORD on the difference between egg substitutes and egg replacers. I created the presentation and it included information from the egg replacer study. There was one slide showing egg replacer marketing materials for other materials and there was a slide showing Beyond Eggs information. At the time we could not find marketing materials for Beyond Eggs, so I used what I could find on social media and their website. That was the only reason it looked different that the other slide. Also, the Beyond Eggs label did not provide a lot of information so I was trying to show what Beyond Eggs was. This slide was not meant to single them out, but was to show DEBORD one of the many products that were on the market.

AEB obtained the Just Mayo patent and I was asked to contact Tong WANG, Professor, Iowa State University, for so she could review it and give her opinion. I am not sure who obtained the patent.

I reviewed an email dated 11/20/14 with attachments that I sent to Jeanne TURNER, Quiet Light Communications, to review the research references. It was sent to TURNER because she was compiling information for the re-write of the "Accept No Substitutes" white paper. I am not sure what the total cost of this was. I would have to check invoices. Patent reviews of other products were not conducted. Beyond Eggs is one of many replacers, but they were stirring up the industry so much that we wanted to see what this product was or consisted of. This guidance came down from IVY through HOWETH to me.

I reviewed an email dated 10/9/14 that HOWETH sent to me regarding the AEB Budget to assist with my billing. Having the Egg Product Marketing (EPM) budget assists me in allocating budget for expenses. Special Projects was allocated \$247,000 and \$70,000 of that was allocated for Beyond Eggs. In this particular budget spreadsheet, the line item "Beyond Eggs" meant our egg replacer project. This is an internal document and Executive Committee would only see the items in bold, such as "Special Projects". To my knowledge the Executive Committee and the USDA would not be aware that there was a specific line item for Beyond Eggs. I do not think that this was an attempt to keep information from the Committee or the USDA. I think it was just the way the budget was laid out.

I am not sure what amount AEB spent on Beyond Eggs. I would not be able to say how much money was spent within EPM on Beyond Eggs because I cannot think of any project that was funded that called out Beyond Eggs by themselves without mentioning other replacers.

I believe Beyond Eggs was gaining a lot of media attention because of the individuals who were financially backing the company. I just saw them as another egg replacer and one of many in the market place.

I have heard about Edelman's crisis management team, but I was never introduced to them and I do not deal with them. Edelman was addressing some issues regarding Beyond Eggs, but I was not aware if the crisis management team was working on anything.

Other than what I read in the complaint, I am not sure what Edelman did for AEB regarding Beyond Eggs. I may have been included on some emails, but there were no action items for me so I probably just deleted the emails.

Egg Product Marketing Department develops and posts blogs that are USDA approved. These blogs are ghost written by Quiet Light Communications, which I review and then PAYNE. When the blog is posted it would come from me and there would not have to be a disclosure notice.

To my knowledge bloggers were not hired to attack TETRICK or his company/products. I do not recall receiving emails containing bloggers articles related to TETRICK's company/products.

Based on my knowledge of what Edelman did on behalf of AEB regarding Beyond Eggs, I do not think it was an unfair or a deceptive act or practice. To my knowledge contracting Edelman to respond to Beyond Eggs was not used for the purpose of deterring someone from buying an egg alternative product such as Beyond Eggs Just Mayo. I am not sure who would have been responsible for using Edelman to provide advice on the matter regarding Hampton Creek.

I reviewed an email dated August 14, 2012 with the subject "Membership with the Association for Dressings & Sauces (ADS)". The email was sent to me from Jacque KNIGHT, Manager, Membership & Administration, ADS, that stated KNIGHT was surprised to see that MALOBERTI's membership application and dues were submitted, because AEB did not meet the membership criteria.

I reviewed an email dated August 17, 2012 with the subject "RE: Membership with the Association for Dressings & Sauces (ADS)". I sent the email to KNIGHT inquiring if it would be possible to attend the October 2012 meeting as a guest.

There was a Food Service/ EPM committee discussion during the time and guidance from that discussion was that they wanted more educational opportunities for food manufacturers involved in the production of sauces and dressings. I was asked to see what I needed to join ADS. New product introductions that include eggs showed that sauces and dressings were in the top ten categories of food products that contain eggs as an ingredient. We are already a member of the American Baking Association and the committee felt that it would be good move to join ADS. Because ADS did not have a membership category that AEB would fit into, our funds were refunded. This was not an attempt to try to influence governmental policy or action. I was not made aware that they were a lobbying group until the complaint against AEB was made public.

I reviewed an email dated 9/2/15 that HOWETH sent me where he asked me to call him. The email that he forwarded was something he sent to IVY where he was justifying why we looked into joining ADS, but once he was realized that they lobbied he did not proceed further. HOWETH called me because I was out of the office conducting a presentation and he wanted to let me know that my name was listed in the complaint against AEB.

I reviewed an email string dated November 19 & 20, 2014, between IVY, MAGWIRE and me with the subject "Re: mayonnaise/salad dressing standards of identity". I asked MAGWIRE how egg-less mayonnaise products were getting away with calling themselves mayonnaise. MAGWIRE responded that he was pleased to see that Unilever was taking action against them. IVY she related that she just got off the phone with a guy working with the Unilever case with Hampton Creek. IVY related that she could not take a position in the matter, but she wanted to make sure the FDA was aware of the labeling issue. MAGWIRE replied that UEP could approach the FDA.

I am not aware of anyone that contacted Unilever regarding Beyond Eggs and I am not aware that IVY told someone from Unilever about the Just Mayo labeling issue.

I reviewed an email dated 1/9/14 that I sent to IVY regarding the Code of Federal Regulations (CFR) section that covered dressing and mayonnaise. IVY asked me to send her that information. I do not recall her giving me a reason. I am not sure what she did with it. I am not aware that anyone contacted the Food and Drug Administration (FDA) concerning a Just Mayo labeling violation or anything regarding Beyond Eggs.

I reviewed an email dated December 19, 2013, from me to HOWETH with the subject "Whole Foods to drop Chobani Yogurt from their stores in 2014". I related that if it could be proved that the plant-based ingredients in Beyond Eggs were GMO, maybe Whole Foods would take notice and take action against Beyond Eggs. No actions were taken to try and prove that the plant

based ingredients were GMO. At the time Whole Foods put out a list of ingredients that they were going to ban by a certain date. I read an article about Chobani yogurt potentially not being sold at Whole Foods because of something in their ingredients. I quoted the article in my email. Also, at the time we were thinking about creating a white paper about how eggs are GMO free. It would be another position to take when marketing eggs.

I have no knowledge that information pertaining to Beyond Eggs was purposely kept from PAYNE or anyone at USDA.

I have no direct knowledge that Anthony ZOLEZZI ever conducted any work for AEB or that he contacted Whole Foods in order to stop the Just Mayo product from being sold. I never attended any meeting where ZOLEZZI was present.

I was involved in a Freedom of Information Act (FOIA) request concerning Beyond Eggs. I had to search my email based on key words that were presented. After my search the emails were placed on the server as directed. I never purposely left anything out and I was not aware that anyone left any information out.

I reviewed an email dated July 10, 2015, with the subject "Re: Hampton Creek Signs Kathleen Sebelius" from IVY, where she directed some staff to delete any emails pertaining to Hampton Creek once they responded. She also noted that she already deleted her emails and deleted her trash.

I never received an email that directed me to delete any emails. I do not recall anyone ever verbally telling me to delete emails. I never deleted any emails regarding Hampton Creek, Beyond Eggs or Just Mayo.

I do recall conversation at a recent staff meeting about implementing our one year email retention policy, but because of our outstanding FOIA requests we would not be allowed to do that.

I have read this statement consisting of seven pages and have been given the opportunity to make additions or corrections. It is true, complete and correct to the best of my knowledge.

//////////////////////////////////////END OF STATEMENT//////////////////////////////////////

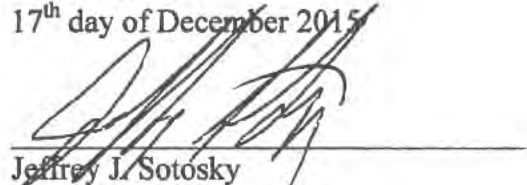
(b) (6)

Elisa M. MALOBERTI

December 17, 2015

Date

Subscribed and Sworn to
before me this
17th day of December 2015



Jeffrey J. Sotosky
Compliance Officer
Agricultural Marketing Service
U.S. Department of Agriculture

Reynolds, Leon - AMS

From: Joanne Ivy <Jivy@aeb.org>
Sent: Monday, December 23, 2013 4:28 PM
To: Englert, Jenny
Cc: Kevin Burkum; John Howeth; Mia Roberts; Kristin Livermore; Mitch Kanter; Jensen, Elizabeth (Schreiber); Torvik, Erika; Maher, Missy; Grosshandler, Jennifer; Liuzzi, Andrew; Singer, Jamie; Schaffner, Serena; Kevin Burkum; John Howeth; Mia Roberts
Subject: Re: Next Steps - Beyond Eggs 12.2
Attachments: image003.png

Jenny, Thank you for your team's recommendations for the short term and long term. For now, I think the two short term recommendations are good. Possibly Mitch could reach out to Andrew at the end of this week or the first of next week to see if they can find some time to connect after the first of the year.

I will give some thought about an interesting farm for Andrew to visit and talk with an egg farmer. I know he does not mind traveling based on your comment, but where he is located? As you know, we have several locations that would be excellent. Since Beyond Egg is an egg replacer, maybe Andrew would be interested in visiting an egg farmer who has egg production and also breaks eggs for ingredients.

Regarding your long term recommendations, I plan to have a meeting with my executive marketing team during the week of January 6. We can discuss those recommendations at that meeting.

Thank you for being proactive and offering short term and long term recommendations to address the situation.

I hope everyone has a wonderful holiday! Joanne

Sent from my iPhone

On Dec 23, 2013, at 3:59 PM, "Englert, Jenny" <Jenny.Englert@edelman.com> wrote:

Hi All,

Before heading into the holidays, we wanted to share a recommendation for responding to Andrew Zimmern's blog post along with a POV and recommendation for overall next steps for Beyond Eggs response as we forge ahead into 2014. Below, please find a recommendation for short and long-term action including both proactive and reactive tactics.

Short-Term

- Reach out to Andrew Zimmern on a personal level:
 - Capitalize on Andrew's love for traveling the globe and exploring the historical roots of food by providing the opportunity to dive deeper into the long-standing history of the egg industry (i.e., invite him to visit an egg farm of our choosing, talk to farmer personally etc.)
 - Mitch Kanter to reach out to Andrew Zimmern via email to introduce himself, and start discussion about getting to know the egg industry better
 - Recommended email:
 - "I've been following the discussion around Hampton Creek and, as Executive Director of the Egg Nutrition Center, I wanted to reach back out to introduce myself and see if you had a few minutes to connect after the holidays. Clearly,

there continues to be a lot of passionate discussion around eggs and egg replacers, such as Beyond Eggs, and I thought it might be helpful to touch base to provide you with some additional background on the industry.”

Long-Term

- Offense
 - Conduct primary research to gain qualitative AND quantitative metrics on the impact of Beyond Eggs to both consumers and food manufacturers in order to better inform the following:
 - Development of actionable intelligence to inform decision making on future media requests
 - Strategic focus for future campaigns (e.g. do we need to focus on food service and consumers equally?)
 - Identify influencers that we can rally in support of eggs (e.g. Dr. Oz)
- Defense
 - Identify the major egg communities and egg industry representatives in the U.S. and determine if they have any relationships to build upon (our team is happy to help in the development of this list at an incremental cost)
 - Develop a direct comparison of eggs versus Beyond Eggs to understand where eggs outpace the product in terms of cost, consistency etc.

We would like to regroup after the holidays to have a larger discussion on our overall approach for 2014. In the meantime, we will continue to assess each media request individually, working together to craft the response that we deem most appropriate. Please let us know if you are aligned with our recommendation for engaging with Andrew Zimmern, or if you'd like to jump on the phone to chat – we are happy to discuss.

Best,
Jenny

Jenny Englert

200 East Randolph Drive | Chicago, IL 60601

Tel: 312.240.3385 | Cell: 312.498.5835

jenny.englert@edelman.com | www.edelman.com

<image003.png>



LETTER OF AGREEMENT

September 1, 2006

Lou Raffel
American Egg Board
1460 Renaissance Dr.
Park Ridge, Illinois 60068

For Edelman Use Only
GM: Cabot
Client Code: 14766
Project No(s): 118881

1890

Dear Lou:

This letter, when signed in the space provided below, constitutes the agreement ("Agreement") between **American Egg Board** ("Client") and Daniel J. Edelman, Inc., doing business as Edelman, ("Edelman") for the provision of public relations services.

1. **Services.** Edelman shall perform those public relations services described in the program of objectives ("Program") set forth in Appendix A ("Services"). Edelman warrants that all Services shall be performed in accordance with the written specifications as set forth in a statement of work and as mutually agreed.

2. **Compensation.**

2.1. **Budget.** The total projected fees and expenses for the Services ("Budget"), if determined, are set forth in the applicable Program. The Budget pertains to Services only as set forth in the applicable Program and is only for Services rendered by Edelman's Chicago office, unless specifically provided otherwise herein. If any activities entail services of other Edelman offices, divisions or affiliates, Client will pay for such services at Edelman's then current time and material rates customary for that office location, practice and title. Edelman reserves the right to adjust the Budget if there is a variation in the relevant currency exchange rate greater than two percent (2%). Edelman shall not exceed any Budget line item without reasonable advance written notice to, and written approval from, Client. For purposes of this paragraph, the parties agree that e-mail notification and/or approval is sufficient written notice.

If Client wants to expand the scope of the Program or wants additional services, Client and Edelman shall mutually agree upon the additional services to be performed and the amount required to perform the additional services. Edelman shall bill and Client shall pay Edelman for the same.

2.2. **Fee Billing.** Edelman shall bill at the end of each month, fees based upon the time spent by Edelman employees in performing the Services during that month. Such fees



will be based upon Edelman's then current billing rates less a 10% discount (see Exhibit A rate schedule). Edelman shall notify Client of any billing rate increases. In the event of a billing rate increase, or otherwise on an annual basis, Client has the right to review Edelman's actual costs to perform assigned Client Services vs. quoted billing rates. Any discrepancies between quoted billing rates and actual costs will be discussed in good faith between Client and Edelman as part of negotiations for future work and Edelman compensation.

✱ **2.3. Expenses.** Client shall reimburse Edelman for all out-of-pocket, third-party vendor expenses incurred and payable by Edelman in performing the Services. Client shall prepay Edelman for any out-of-pocket expenses that are equal to or greater than \$10,000, but may prepay any expense. To the extent Client has prepaid expenses, Edelman shall apply such prepaid amount to out-of-pocket expenses incurred and payable by Edelman, at Edelman's actual cost, in performing the Services. Prepayment of expenses must be received by Edelman no later than fifteen (15) days after the invoice date; if payment is not received by Edelman within fifteen (15) days of the invoice date, the service charge of one percent (1%) per month of any such invoice will be imposed. In addition, in circumstances where Client wishes to benefit from its tax exempt status, Client may have the option to directly pay third party vendor expenses. All such directly paid expenses will be deducted from the Budget.

Client shall reimburse Edelman monthly for all travel or entertainment related expenses incurred by Edelman or its employees in performing the Services, including, but not limited to, air travel, ground transportation, lodging, meals, tips and wireless and long distance telephone calls; provided they are appropriate within Client's internal expense reimbursement policy (as set forth in Appendix B) as applicable to Edelman. All such expenses shall be paid at Edelman's actual cost. Edelman shall obtain Client's advance written approval for any such reimbursable out-of-pocket expense (or group of related expenses) exceeding \$10,000.00.

Client shall pay, or shall reimburse Edelman for, all taxes of whatever nature, including, without limitation, local taxes on the sale or use of goods and services, Value Added Taxes, and General Services Taxes, imposed by any foreign, federal, state or municipal government or by any taxation authority thereof, as a result of Edelman's performance of the Services, provided they are invoiced by Edelman; provided, however, that Client shall not be responsible for any taxes based on Edelman's income.

Client, recognizing that Edelman is obligated to pay out-of-pocket, third party vendor expenses and other costs in full in the local currency in which they were incurred, shall reimburse Edelman if any shortfall occurs as a result of fluctuating currency exchange rates. In such instances, Edelman will include an adjustment in the next monthly invoice or render a separate invoice; Edelman shall notify Client in advance, however, and obtain its written approval, for any third party expenses to which these exchange rate provisions would apply, and for the method of calculating fluctuating currency adjustments.

2.4. Payment. Except as otherwise provided herein, payments for the fees and expenses described in this Section 2 are due and owing to Edelman on the invoice dates; provided, however, that such payments shall not be deemed late if received by Edelman within



thirty (30) days of such invoice dates. Edelman's right to payment of any fee, expense, or tax shall be contingent upon its invoicing Client for the applicable Services, goods, taxes, or expenses within 90 days of Edelman providing, performing, or incurring same; provided, however, that Edelman shall maintain the right to such payment for a longer period of time so long as Edelman notifies Client of any expected delays in invoicing within such 90 day period. Restrictive endorsements or other statements on checks accepted by Edelman shall be of no force or effect. To the extent that Client disputes any invoice, Client must provide Edelman written notice of such dispute within sixty (60) days of the invoice date, or Client shall waive any claim with respect to calculation of charges under such invoice; provided, the aforesaid 60-day limit shall not apply so as to waive any warranties or indemnification provisions of this Agreement.

3. Indemnification.

3.1 Client shall be responsible for the accuracy and completeness of information, statements and materials concerning its organization, products or services which it supplies to Edelman. Client represents and warrants that it is the owner or licensee of all intellectual property rights in materials it supplies, or that the information is in the public domain, sufficient to enable Edelman to edit, reproduce and otherwise use, publish and distribute such materials in performing Services for Client. Client shall defend, indemnify and hold Edelman harmless from and against any third-party liabilities, actions, claims, damages, judgments or expenses, including reasonable attorneys' fees and costs, (collectively "Claims") that arise out of or relate to: (i) any act or failure to act by Client in connection with this Agreement, including breach of any provision of this Agreement; (ii) information, statements or materials (including any Claims relating to intellectual property rights therein), prepared or provided by Client or that Client directed Edelman to use, including, without limitation, any resulting Claims of infringement or misappropriation of copyright, trademark, patent, trade secret or other intellectual property or proprietary right, infringement of the rights of privacy or publicity, or defamation or libel (iii) the accuracy of information, statements and materials supplied by Client; (iv) product liability or death, personal injury or property damage arising out of, or relating to, Client's products or services; or (v) Client's negligence or willful misconduct. In addition, in matters in which Edelman is not a party and has no responsibility to Client under the balance of this Section 3.1 regarding such matters, Client shall pay or reimburse Edelman for all reasonable staff time, attorney's fees and expenses Edelman incurs in relation to subpoenas, depositions, discovery demands and other inquiries in connection with suits, proceedings, legislative or regulatory hearings, investigations or other civil or criminal proceedings in which Client is a party, subject or target.

3.2 Edelman shall defend, indemnify and hold Client harmless from and against any third-party liabilities, actions, claims, damages, judgments or expenses, including reasonable attorneys' fees and costs, (collectively "Claims") that arise out of, or relate to (i) Edelman's significant breach of any provision of this Agreement; (ii) product liability or death, personal injury or property damage arising out of, or relating to, Edelman's provision of products or performance of Services; (iii) Edelman's negligence or willful misconduct (including but not limited to defamation) in performing the Services under this Agreement; or (iv) copyright infringement violation or violation of tangible property rights caused by Edelman's work product



which was not prepared at Client's direction. In addition, in matters in which Client is not a party and has no responsibility to Edelman under the balance of this Section 3.2 regarding such matters, Edelman shall pay or reimburse Client for all reasonable staff time, attorney's fees and expenses Client incurs in relation to subpoenas, depositions, discovery demands and other inquiries in connection with suits, proceedings, legislative or regulatory hearings, investigations or other civil or criminal proceedings in which Edelman is a party, subject or target.

3.3 The indemnifying party's obligations under this Agreement are conditioned upon (i) the other party's giving prompt, written notice of a Claim; (ii) the indemnifying party having sole control of the defense and settlement of a Claim (provided that the indemnifying party may not settle any Claim in a manner that would adversely affect the other party's rights, reputation or interests without the other party's prior written consent, which shall not be unreasonably withheld); and (iii) the other party's cooperation with the indemnifying party, at the indemnifying party's expense, in the defense and settlement of the Claim, as the indemnifying party may reasonably request. The party seeking indemnification shall have the right to participate in the defense thereof with counsel of its choosing at its own expense.

3.4 This Section shall survive termination or expiration of this Agreement.

4. Term. This Agreement shall commence effective as of 4/1/2006 and shall continue for two (2) years. The parties agree that the Budget previously approved by the parties shall be attached hereto as Appendix A. Thereafter this Agreement shall automatically renew for consecutive one (1) year terms unless either party terminates the Agreement in writing pursuant to Section 5. The parties agree that each new annual Budget shall also be attached to Appendix A upon mutual agreement of the parties signed by the authorized representative of each party. In the event this Agreement expires without renewal, but the parties continue to perform, the terms and conditions of this Agreement shall govern until renewed or a new agreement is negotiated. Notwithstanding anything to the contrary contained herein, the parties hereby agree that the financial terms and conditions (e.g., fees, billing, charges, expenses, payment terms, etc.) agreed upon by the parties prior to the execution date of this Agreement shall remain in full force and effect until September 1, 2006.

5. Termination. Either party may terminate this Agreement for any reason or without cause by providing the other party with not less than thirty (30) days' written notice. In addition, either party may terminate this Agreement upon ten (10) days' written notice to the other party in the event of a material breach of this Agreement (including non-payment of any invoice), if such breach is not corrected by the other party within the ten-day period. Edelman may immediately terminate this Agreement if Client becomes insolvent; is unable to pay its debts as they mature; is the subject of a petition in bankruptcy, whether voluntary or involuntary, or of any other proceeding under bankruptcy, insolvency or similar laws; makes an assignment for the benefit of creditors, or is named in, or its property is subjected to, a suit for the appointment of a receiver; or is dissolved or liquidated. The respective rights and duties of the parties shall continue in full force and effect during the notice period and Client will be obligated to pay Edelman's fees and expenses through the termination date. Upon expiration or termination of this Agreement, Client shall: (i) assume Edelman's liability and obligations under, and



reimburse Edelman for, any existing non-cancelable contract or commitment made by Edelman in connection with the performance of the Services to the extent approved by Client pursuant to the terms of the Agreement ; (ii) pay or reimburse Edelman for any expenses incurred or non-cancelable expenses committed to be incurred, upon proof of receipt thereof; and (iii) pay Edelman's fees for the Services as set forth in the applicable Program through the effective termination date. Client is under no obligation to compensate Edelman for any Services not described in this contract (Exhibit A) or that have not otherwise been formally approved by Client. This Section shall survive termination or expiration of this Agreement.

6. **Limitation of Liability.** EDELMAN'S AGGREGATE LIABILITY ARISING OUT OF, OR RELATING TO, THIS AGREEMENT (WHETHER IN CONTRACT, TORT OR OTHER LEGAL THEORY), EXCEPT FOR DUTIES UNDER SECTION 3.2, ABOVE, AND BREACHES OF SECTIONS 7 OR 9 HEREOF, SHALL NOT EXCEED THE AGGREGATE AMOUNT OF FEES PAID BY CLIENT TO EDELMAN PURSUANT TO THIS AGREEMENT. IN ADDITION, EXCEPT FOR DUTIES UNDER SECTION 3.2, ABOVE, AND BREACHES OF SECTIONS 7 OR 9 HEREOF, EDELMAN SHALL NOT BE LIABLE TO THE CLIENT FOR ANY SPECIAL, CONSEQUENTIAL, PUNITIVE OR OTHER INDIRECT DAMAGES (INCLUDING, BUT NOT LIMITED TO, LOST REVENUES OR PROFITS), WHETHER OR NOT NOTIFIED OF SUCH DAMAGES. This Section shall survive termination or expiration of this Agreement.

7. **Confidentiality.** Each party will use reasonable efforts to keep confidential all information and materials so designated by the other party ("Confidential Information"), but expressly including Client's financial performance or condition, marketing and strategic plans, budgets, and research and development plans, and to (a) refrain from using Confidential Information of the other party for any purpose except performance of this Agreement or Client's use as contemplated by this Agreement, and (b) limit access to such information and materials to those employees, subcontractors, and attorneys of the receiving party with a need to know for purposes of performing this Agreement or advising the receiving party in connection with same. Notwithstanding the foregoing, each party acknowledges that information and materials shall not be deemed confidential for the purposes of this Agreement if such information and materials: (i) enter the public domain through no wrongful act or breach of any obligation of confidentiality on the receiving party's part; (ii) are, at the time of disclosure, lawfully known to the receiving party without restriction on disclosure; (iii) are independently developed or obtained by the receiving party without breach of this Agreement; (iv) are required to be disclosed by law or applicable legal process; or (v) are authorized for release by written authorization of the disclosing party. The obligations under this Section shall survive expiration or termination of this Agreement for a period of two years or until an exception to confidential treatment set forth above occurs, whichever is earlier.

8. **Intellectual Property.** (a) Unless provided for in the Budget and paid for by Client, Edelman does not perform any searches, including trademark or patent searches, to determine if materials prepared or provided by it, or any portion thereof, may infringe the rights of any third party, and such searches and determinations are the responsibility of Client. Nothing in this Agreement shall prohibit or prevent Edelman from using materials that are obtained from



third parties pursuant to limited licenses and Edelman shall notify Client of the terms of such limited licenses.

(b) Upon payment in full of all amounts due and owing Edelman with respect to any Program, Client shall own (and Edelman conveys to Client) all right, title, and interest, including but not limited to all copyrights, moral rights (such as rights of attribution or to prevent alteration), trademarks, patents, and rights to obtain patents, in all materials and intellectual property created or supplied by Edelman ("Work Product") to the extent they are developed as a result of this Agreement or the performance of custom services hereunder; To the greatest extent permitted by law, such Client property shall be considered "work made for hire" for Client. Edelman shall not incorporate such Client property into any product or service other than those supplied to Client; use it for the benefit of Edelman, any customer of Edelman other than Client, or any third party whatsoever, except as contemplated (or necessary) to provide the Services hereunder. To the extent the Work Product contains elements which are not Client property, Edelman grants Client a worldwide, royalty-free, perpetual, transferable, non-exclusive license to use the Work Product in conjunction with the applicable Program solely as contemplated by this Agreement, and copy it as reasonably needed for that purpose.

(c) Notwithstanding anything contained herein to the contrary, Client shall obtain no ownership interest in materials prepared by Edelman prior to this Agreement whether or not customized for Client, or in Edelman's proprietary materials such as media lists, media training guides, etc., which fall outside the description of Client property set out in Section 8(b), above. Upon Client's request, and at Client's expense, Edelman shall use reasonable efforts to obtain from any third party any and all assignments and releases necessary to grant Client the rights of such third party.

(d) This Section 9 shall survive termination or expiration of this Agreement.

9. Subcontracts. Edelman agrees to include in all subcontracts hereunder a provision to the effect that designated representatives of the Board and/or the Secretary of the United States Department of Agriculture shall have, during the period of each subcontract and for three years after termination thereof, access to and the right to examine any books, documents, papers, and records of such subcontractor relevant to transaction under the subcontract. The "subcontract" as used in this clause excludes: 1) subcontracts not exceeding \$2,500, and 2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

10. Records. Edelman agrees to maintain adequate records itemizing the receipt and expenditure of all funds contributed under this Agreement and to make all such records available upon request to representatives of Client or the Secretary of the United States Department of Agriculture for inspection and/or audit during each fiscal period covered by the term of the contract and, for a period of three years after termination of this contract. Client and any subcontractors shall receive reasonable notice of audits and such audits shall be conducted during normal business hours.

11. Equal Opportunity and Civil Rights. Edelman agrees that, during the performance of this Agreement, it shall not unlawfully discriminate against any employee or



applicant of employment because of race, color, religion, sex, national origin, age or disability. Edelman also agrees that it will fully comply with any and all applicable Federal, State, and local equal employment opportunity statutes, ordinances, and regulations, including, but not limited to, Title VII of the Civil Rights Act of 1964; the Americans with Disabilities Act of 1990; the Age Discrimination in Employment Act of 1967; and the Equal Pay Act of 1963. Nothing in this section shall require Edelman to comply with or become liable under any law, ordinance, regulation, or rule that does not otherwise apply to Edelman

12. Non-Solicitation of Employees. During the term of this Agreement and for one (1) year after its termination, Client and Edelman will not, without the written consent of the other, knowingly solicit (either directly or indirectly) one another's employees with whom they came into contact during the performance of this Agreement, for the purpose of engaging such employee as an employee, consultant, agent or other independent contractor. In the event either party does so solicit and employ or engage any person so employed by the other, such party shall pay the other, as liquidated damages, a fee equal to one-half of such employee's annual cash and non-cash compensation as a reimbursement to the other of its recruitment and training costs. This Section shall survive termination or expiration of this Agreement.

13. Choice of Law and Jurisdiction. This Agreement shall be construed in accordance with the laws of the State of Illinois, regardless of any conflict of law rules. Client hereby submits to the exclusive jurisdiction of the federal and state courts located in the State of Illinois. This Section shall survive termination or expiration of this Agreement.

14. Attorneys' Fees. In the event that any action or proceeding (including, without limitation, any alternative dispute resolution mechanism agreed to by the parties) is brought in connection with this Agreement, the prevailing party shall be entitled to recover its costs and reasonable attorneys' fees. This section shall survive termination or expiration of this Agreement.

15. Assignment. Neither party may assign this Agreement or any rights or obligations hereunder, whether directly or indirectly, without the prior written consent of the other party; provided, however, that Edelman may elect to engage subcontractors in connection with the performance of its Services hereunder, provided it obtains Client's prior written consent (not to be unreasonably withheld) and provided the subcontractor agrees in writing to be subject to and make conveyances as set forth in Sections 8, 9, and 10, above, in the same manner as Edelman.

16. Notice. Except as otherwise provided herein, all notices that either party is required or may desire to give the other party hereunder shall be in writing and shall be sufficiently given if (i) delivered in person, (ii) sent by registered or certified mail, either postage prepaid, (iii) sent by prepaid overnight courier; (iv) transmitted by facsimile, upon receipt of a confirmation of receipt, or (v) transmitted by e-mail, when received and opened. All such notices shall be addressed to each party as follows:



To Client: Lou Raffel
American Egg Board
1460 Renaissance Dr.
Park Ridge, Illinois 60068

Facsimile: (847) 296-7007
E-mail: LRaffel@aeb.org

To Edelman: Janet Cabot
Daniel J. Edelman, Inc.
200 East Randolph Drive, 63rd Floor
Chicago, IL 60601

Facsimile: 312/240-9382
E-mail: janet.cabot@edelman.com

With a copy to: Peter Petros
Daniel J. Edelman, Inc.
200 East Randolph Drive, 63rd Floor
Chicago, IL 60601

Facsimile: 312/240-2808
E-mail: peter.petros@edelman.com

17. **Section Headings.** Section headings contained herein are solely for convenience and are not in any sense to be given weight in the construction of this Agreement.

18. **Insurance.** During the term and twelve (12) months thereafter, Edelman shall maintain general and professional liability insurance coverage with limits of at least \$3,000,000 per occurrence as is customary in its industry. Such insurance shall be carried with an insurance carrier with an A.M. Best rating of A- or equivalent.

19. **Entire Agreement.** This Agreement, along with any and all Appendices and attachments, constitutes a single agreement, as well as the entire agreement with respect to the subject matter hereof, supersedes any prior or contemporaneous agreement between the parties, whether written or oral, with respect to the subject matter hereof, and may be modified or amended only by a writing signed by the party to be charged.



Your signature below confirms that you, as an authorized representative of Client, enter into this Agreement on behalf of Client.

Sincerely,

DANIEL J. EDELMAN INC

(b) (6)
By: _____

Title: Exec. Vice President & General Manager
Consumer Food & Nutrition

ACCEPTED AND AGREED TO ON
THIS ___ DAY OF SEPTEMBER 2006.

American Food Products
(b) (6)
By: _____

Title: President & CEO



APPENDIX A

2006 PROGRAM OF OBJECTIVES

Services

Edelman shall perform the following Services to meet the objectives of this Program:

- News Bureau
- Kristine Lilly Spokesperson
- Choline/Pregnancy
- Track/Measure Research
- Issues/Crisis
- Ambassador Program/Scientific Panel
- Nutrition Partnerships
- Account Support/Travel

2006 Budget

The total projected budget agreed upon for this program is \$1,142,000.



APPENDIX A

2007 PROGRAM OF OBJECTIVES

Services

Edelman shall perform the following Services to meet the objectives of this Program:

- News Bureau
- Health Communicators Conference
- Kristine Lilly Spokesperson
- Lutein/Choline
- Research Measurement
- Issues/Crisis
- Ambassador Program/Scientific Panel
- Nutrition Partnerships
- Eggs for Pets
- Account Support/Travel
- HP Benchmark Research
- Culinary Program

2007 Budget

The total projected budget agreed upon for this program is \$1,658,000.

DANIEL J. EDELMAN, INC. AMERICAN EGG BOARD

(b) (6)

By:

Title: Exec VP + General Mgr. Consumer Food Nutrition Title: President & CEO

Date: Dec 18, 2006 Date: Dec. 19, 2006



APPENDIX B

American Egg Board Expenditure and Documentation Guidelines
[See Attached]

City: Park Ridge
State: IL

I, Jacinta A. LEDONNE, being duly sworn on oath, make the following statement freely and voluntarily to Jeffrey J. SOTOSKY, who has identified himself to me as a Compliance Officer, with the Agricultural Marketing Service, USDA, knowing this statement may be used in evidence.

I am the Director of State Programs for the American Egg Board (AEB) and I have been in this position since July 2011; however, I have been with AEB since November 2005. I began as an Administrative Assistant then I became a State Programs Coordinator before becoming the Director. My immediate supervisor is Mia ROBERTS, Vice President of Strategic Operations, AEB. Since Joanne IVY, former CEO, AEB retired in September 2015, Paul SAUDER, Chairman, R.W. Sauder Inc. and Blair VAN ZETTEN, Vice Chairman, Oskaloosa Food Products, Oskaloosa, IA have been overseeing AEB.

My duties and responsibilities include overseeing the grant programs for the state. I am also involved in the "Good Egg Project" (GEP). I do not supervise any employees. I do have a job description that is in writing, but some of the things I do for the GEP are not in writing, but within my job scope and not detailed out. I have never been asked to do something not within my duties. I receive annual performance reviews which are conducted by ROBERTS. My last review was conducted with the last two weeks.

To conduct my duties and responsibilities I have an email account. My email address is jledonne@aeb.org. I am the only person sending emails from my AEB email account. There is a password to get to on to my computer.

As part of my duties and responsibilities I interact with Kenneth PAYNE, Director, Research and Promotion Division, Livestock, Poultry, and Seed Program (LPS) often. From my understanding PAYNE's duties and responsibilities include providing oversight to make sure the AEB is not disparaging any other companies or products and to make sure our claims are valid and supported by research. PAYNE has been the AMS oversight point of contact (POC) for about the last two years. Prior to PAYNE I worked with Angela SNYDER and Emily DEBORD who were also AMS oversight POC's.

I am aware of the Federal regulations and information set forth in the Egg Research and Consumer Information Act and other egg board related procedures that assessed funds were to be used for the effective and continuous coordinated program of research, consumer and producer education, and promotion designed to strengthen the egg industry's position in the marketplace, and maintain and expand domestic and foreign markets and uses for eggs, egg products, spent fowl, and products of spent fowl of the United States. The regulations also mentioned no such advertising, consumer education, or sales promotion programs shall make use of unfair or deceptive acts or practices on behalf of eggs, egg products, spent fowl, or products of spent fowl or unfair or deceptive acts or practices with respect to quality, value, or use of any competing product. I have known this information since I began working with AEB. When I was an Administrative Assistant it didn't impact me as much, but as I moved up within AEB it was reinforced that we had specific rules that had to be followed.

The purpose of the AEB is to increase the consumption of eggs and egg products by consumers. If I felt members of the Egg Board or the AEB staff conducted themselves in an inappropriate manner concerning the AEB's function as established through federal regulations I know I could contact the AEB CEO, PAYNE or the USDA Office of Inspector General if necessary.

I believe the current members of the American Egg Board's Executive Committee (Executive Committee) are SAUDER; VAN ZETTEN; Scott RAMSDELL, Secretary, Dakota Layers LLP, Flandreau, SD; Jeff HARDIN; Tom HERTZFELD II, Hertzfeld Poultry Farms, Inc., Grand Rapids, OH and Mark OLDENKAMP. I believe Roger DEFFNER, National Food Corp., Everett, WA may be the immediate Past Chair. The Executive Committee is responsible for providing directions and oversight on the programs that AEB is running.

AEB assessed funds should be used for research through the Egg Nutrition Center (ENC) and egg promotion through consumer programs, industry programs and egg product marketing. Any paid programming that AEB conducts with partners should be approved by PAYNE. Also, all contracts when there is money exchanged have to be approved by PAYNE.

I am aware of Josh TETRICK, Owner of Hampton Creek and his products to include Just Mayo and Beyond Eggs. I may have been aware of TETRICK and his products for a couple years. TETRICK claims his products use non-animal proteins and other alternatives to eggs which are better for the environment. To my understanding TETRICK's product, Just Mayo, does not include eggs, it uses a pea protein and it is sold at Whole Foods.

I believe Just Mayo is unique because it is plant based, but I cannot be for sure. I believe Miracle Whip does not use eggs in their product, but I can't be for sure. At this moment I cannot think of any companies similar to Hampton Creek, but there are some.

The agencies we have used for the promotion, research and marketing of projects and studies with respect to sale, distribution, marketing, utilization, or production of eggs, egg products, and the creation of new products include Edelman (Public Relations), Discovery Education, and FS Insights. There are more companies, but Edelman is probably the largest company AEB works with.

From what I understand Edelman is contracted annually for public relations and they can sometimes be contracted separately for other things that may come up.

To my knowledge Edelman was the only agency that AEB used to respond to Beyond Eggs. I was not too heavily involved, but as far as I know Edelman was supposed to come up with a response/campaign regarding Just Mayo. To my knowledge the campaign would be to promote the benefits of real eggs.

Edelman would send out media updates concerning Beyond Eggs. These sometimes consisted of articles that mentioned Beyond Eggs. AEB maintains partnerships with bloggers, but I cannot be for sure if bloggers were specifically hired in response to Beyond Eggs.

To my knowledge bloggers were not hired to attack TETRICK or his company/products. I do not recall receiving emails containing bloggers articles related to TETRICK's company/products. I know that the relationship between the bloggers and AEB is disclosed. I believe that is mentioned every time they post a blog for AEB.

I have no knowledge that specific key word searches were used to direct individuals to incredibleegg.org or aeb.org.

Based on my knowledge of what Edelman did on behalf of AEB, I do not think it was an unfair or a deceptive act or practice.

Edelman was already AEB's main public relations company, so when the topic of Hampton Creek came up they were the company to advise AEB. They were not called in because of Hampton Creek.

I reviewed an email dated 12/16/13, that I sent to IVY which contained a Beyond Eggs Budget totaling \$59,500. I did not have a role in budgeting for Beyond Eggs, so IVY may have been working from home and called to request this budget information be forwarded to her. I had no part in approving any funds for Edelman to address Hampton Creek/Beyond Eggs. IVY would have to approve this budget along with members of the Executive Committee and I believe USDA would also have to approve it.

Edelman's Crisis Management Team normally consists of the usual Edelman employees that work with AEB; however, they sometimes have to bring in other Edelman employees who may be more experienced in a certain subject. I am not who exactly was on the Edelman Crisis Management Team, but I believe some of the members were Missy MAHER, Serena SCHAFFNER and Kellie BURCH, all of whom were already working on the AEB account prior to Hampton Creek.

Contracting Edelman was not used for the purpose of deterring someone from buying an egg alternative product such as Beyond Eggs Just Mayo. I am not sure who would have been responsible for using Edelman to provide advice on the matter regarding Hampton Creek.

I do not believe I personally worked on anything for AEB that involved Beyond Eggs. I was cc'd on emails just in case I had to provide updates or information to state representatives. I did not have any money allotted to the state programs regarding Beyond Eggs. After reviewing a monthly Industry Programs report dated 10/16/13, I see that \$6,077.26 was billed by Edelman under Community Outreach. It was noted that Edelman monitored Beyond Eggs coverage and drafted Beyond Eggs statement. This was not any work for my state programs and I am not sure what statement Edelman drafted for AEB to review.

I may have seen invoices from Edelman regarding Beyond Eggs; however, I cannot recall. I may have been cc'd while ROBERTS was out on leave, because ROBERTS would be the person who would approve those.

I reviewed an email dated 12/18/13, that was sent from Elizabeth JENSEN, Edelman. The email noted that I should reach out to the state folks to arm them with AEB's key messages on the topic and gauge if they are getting questions from media on the local level regarding Beyond Eggs. It also noted that we should also work with the states to ensure the content on their social properties is appropriate and measured regarding the topic.

I reviewed an email dated 12/19/13, sent from ROBERTS to State Representatives updating them on the Beyond Eggs. It also noted that if they received inquiries from regarding Beyond Eggs that they could contact ROBERTS or me when I returned from vacation. I did not draft the email sent by ROBERTS to the State Representatives. I do not recall this being a big issue for the State Representatives and I do not think they were very aware of the situation until they received information from AEB. I recall only receiving a couple calls from state representatives and they normally asked what AEB was doing regarding Beyond Eggs. My average response was that we were monitoring the situation and if we did something that we would let them know.

I reviewed an email dated 11/12/14, where I sent Tia RAINS, Senior Director, Nutritional Research & Communications, ENC, AEB, power point presentation that included a slide regarding egg replacers and one slide specifically mentioning Beyond Eggs. The presentation did not look familiar to me and I may have been just forwarding it to RAINS per her request. I had no role in creating the presentation.

I may have been cc'd on emails that contained Statements of Work for Edelman regarding Beyond Eggs, but I do not recall seeing any. I had no role in directing what Edelman was doing. I was not aware there was a specific line item in the budget for Beyond Eggs. I have no idea how much money was spent regarding Beyond Eggs and I do not know if money is still being spent on Beyond Eggs.

I have no knowledge that information pertaining to Beyond Eggs was purposely kept from PAYNE or anyone at USDA.

I have no knowledge that anyone from AEB contacted the Food and Drug Administration (FDA) concerning a Just Mayo labeling violation. I never participated in any meeting where anything like this was even discussed. I only know about this because of the complaint filed against AEB. To my knowledge AEB funds were never used to try to influence governmental policy or action.

I have no knowledge that any AEB employees attempted to join or joined the Association for Dressings & Sauces (ADS). I only know about this because of the complaint filed against AEB.

I did not consider Beyond Eggs as a threat. TETRICK stated that eggs were not a sustainable product and I do not consider that to be true. I believe AEB needed to stand up for our product and respond to TETRICK's claims; however, I can only speculate.

I have no direct knowledge that Anthony ZOLEZZI ever conducted any work for AEB or that he contacted Whole Foods in order to stop the Just Mayo product from being sold. I never attended any meeting where ZOLEZZI was present. I only know about this because of the complaint filed against AEB.

Besides what I saw in the complaint, I have no knowledge that anyone from AEB contacted Unilever and provided information about Hampton Creek.

I was part of a Freedom of Information Act (FOIA) request concerning Beyond Eggs. I was told to scan my emails and look for keys words. However, because I did not initiate anything involving Beyond Eggs my documents were included in someone else's search. I never purposely left anything out of a FOIA request.

I reviewed an email dated July 10, 2015, with the subject "Re: Hampton Creek Signs Kathleen Sebelius" from IVY, where she directed some staff to delete any emails pertaining to Hampton Creek once they responded. She also noted that she already deleted her emails and deleted her trash.

I never received an email that directed me to delete any emails. I do not recall anyone ever verbally telling me to delete emails. I never deleted any emails regarding Hampton Creek, Beyond Eggs or Just Mayo, to my knowledge.

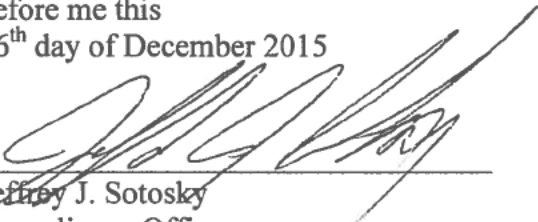
I have read this statement consisting of five pages and have been given the opportunity to make additions or corrections. It is true, complete and correct to the best of my knowledge.

////////////////////////////////////END OF STATEMENT////////////////////////////////////

(b) (6)
[Redacted signature area]

0 Jacinta A. LEDONNE
12/16/15
Date

Subscribed and Sworn to
before me this
16th day of December 2015



Jeffrey J. Sotosky
Compliance Officer
Agricultural Marketing Service
U.S. Department of Agriculture

Initials (b) (6)
Page 5 of 5

Exhibit 19
Page 5 of 5

City: Park Ridge
State: IL

I, Maria Elise ROBERTS, being duly sworn on oath, make the following statement freely and voluntarily to Leon R. REYNOLDS, who has identified himself to me as a Compliance Officer, with the Agricultural Marketing Service, USDA, knowing this statement may be used in evidence.

I am the Vice President of Strategic Operations of the American Egg Board (AEB) and started working for AEB in April 2012 and as the Vice President of Strategic Operations since I was hired. My former supervisor was Joanne IVY, CEO/President. IVY was my supervisor from April 2012 until she retired in September 2015. Since she retired my supervisor is Paul SAUDER, Chairman of the Executive Committee. Mia is my nickname.

My duties and responsibilities with AEB include looking after our industry relations that include our image campaign, reputation management, state programs and communications initiatives.

My AEB email address is mroberts@aeb.org. I have not given out my network password which would then lead to my email account. Any email that has my email address came from me meaning I sent it.

The AEB staff members under my immediate supervision are Ashley RICHARDSON, Director of Industry Communications, AEB; Jacinta LEDONNE, Director of State Programs, AEB; Maryanne CRANDELL, Receptionist / Administrative Assistant, AEB; and Sue SALTSBERG, Clerk, AEB. SALTSBERG left from my supervision November 16, 2015.

RICHARDSON, LEDONNE and CRANDELL have been under my supervision since I was hired.

I have known Kenneth (Kenny) PAYNE, Director, Research and Promotion Programs, Livestock, Poultry and Seed, Program; since 2014 when he took over responsibility of the egg board. From my understanding his duties and responsibilities include USDA oversight of the AEB. I also know Angie SNYDER and Emily DEBORD from the USDA because they previously served in the same role as PAYNE. I know how to contact PAYNE if I need to contact him. If I felt someone from the AEB did something that was inappropriate I would contact the person who report to directly and if they were the person who I was complaining about I would contact the Chairman of the Egg Board/Chairman of the Executive Committee or USDA. The Chairman of the Executive Committee and the Chairman of the Egg Board are all one in the same person.

My interaction with Edelman, which is our agency of record for public relations, began in 2012. They have been AEB's agency of record since 2006 or 2007. I had a budget to work with concerning the work Edelman did for my program area. This budget was money derived from AEB checkoff funds. All work Edelman did for AEB involved a fee that was paid for from checkoff funds.

The purpose of the AEB is to increase the consumer demand for eggs and egg products on behalf of America's egg farmer. I am aware of the Federal regulations concerning Egg Research and Promotion Act and other regulations concerning the egg board. I have been aware of these regulations since April 2012 when I was hired.

The Executive Committee is responsible for its board management and oversight as well as fiscal management and oversight. This includes the American Egg Board staff.

I became aware of Josh TETRICK, Owner of Hampton Creek and his products to include Beyond Eggs and Just Mayo in late 2012 or 2013. I became aware of him from office conversations and emails. The emails included a growing awareness that there was another egg replacer in the market. I do not remember who the email came from and I do not remember who led the conversation about TETRICK.

Egg replacers are an egg like substance that replaces eggs and are meant to be used like eggs in a recipe. Egg Beaters is one such egg replacer. I do not know of any other brand names of other egg replacers but there are approximately more than five other egg replacer companies on the market.

TETRICK and his products are not a part of the egg board because they are not an egg product so they are not produced by an egg farmer in the United States and Tetrick does not pay into the checkoff. TETRICK's products could attract customers who usually buy products that contain eggs. I do not see TETRICK's products as a threat to the egg industry because I think those products' share of the market is fairly insignificant based on their penetration in the marketplace. In other words, real eggs are sold in more outlets than where his products are sold. I understand this anecdotally from market information I receive from Google alerts I have setup – these alerts were not setup by checkoff funds. I do not have the information to say if more consumers bought TETRICK's product or whether those purchases could have a negative impact on the egg industry.

I remember receiving and reviewing an email IVY sent to me dated December 9, 2013, with the subject "Why I Farm." IVY mentioned in the email, "Thanks Mia for pulling together this deck, as it is an excellent starting point for this project. I think we need a meeting to discuss with the Executive Marketing Committee along with Kristin and Ashley. I will schedule a 1 hour meeting for this afternoon for this project and to review what we are doing to promote the environmental footprint study and to address Beyond Eggs. Regarding the Why I Farm deck, I have just a few comments and points for conversation." In the email IVY further mentioned, "We need to be careful how we 'fight back' against Beyond Eggs. I do not think we need to mention Beyond Eggs by name, but we can mention that egg farmers produce natural, REAL food, with the highest quality protein and not a synthetic egg product that is being produced in laboratories—or something like that. I think the most important point is environmental footprint study—number 1, which can cover some points addressing Beyond Eggs. GEP/hunger relief should be secondary based on research that shows donating eggs, etc is not of top importance when consumers think about the image of an egg farmer."

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I did not put together the bullet points in this email, this was IVY's feedback in reference to the deck I supplied. My thoughts on this email were that I gave her a project for the Why I Farm project and she was giving me feedback. The Why I Farm project did not have anything to do with Beyond Eggs. It was about farmers being videotaped about how and why they started farming. There was to be no scripted messages. The 'fight back' in the email to me meant that by then we were aware of Beyond Eggs and IVY felt it was a problem. I did not see TETRICK and his products as a problem. From my point of view I think TETRICK was getting a lot of press. He was making remarks in the press that egg farmers mistreat their animals, eggs are not a sustainable source of protein, and public statements like that were part of the problem -- not his product.

TETRICK is not the first or only person who has spoken negatively about eggs. What made TETRICK's comments different was that he was getting an extraordinary amount of media attention compared to other egg replacers.

In response to IVY's email, I do not remember what, if anything, I did in response. The meeting focus was trying to get more farmers on video with our project and was not specifically related to Beyond Eggs.

I reviewed AEB accounts payable information that included a letter, dated October 16, 2013 from Edelman addressed to my attention with an invoice date of September 30, 2013, with \$2,628 referenced to Beyond Eggs. There was also a September 2013 activity report that listed under Community Outreach "Monitored Beyond Eggs coverage; provided updates to AEB; Drafted Beyond Eggs statement; sent to AEB for review; and continued working with contacts at Gates Foundation to determine best way to meet/converse with them." I approved the use of checkoff funds for this work – with the exception of the "continued working with contacts at Gates Foundation..." and my signature is on the bottom of the letter from Edelman when they sent it to AEB.

The purpose of my group using Edelman for this was they were looking at media coverage about Beyond Eggs so if a reporter wrote a story about Beyond Eggs they would capture the link to the story. IVY engaged Edelman on this issue and I do not know why she did. I became aware she engaged Edelman when I started to get reports from Edelman. I think this was an appropriate use of checkoff funds because TETRICK was making statements about the AEB and we needed to know what they were.

We have done this before on other projects, such as when a Canadian research study indicated eating eggs was just as bad for you as smoking cigarettes. In this case, we monitored what was happening with that study to see what media coverage it was getting in order to be knowledgeable about the study and its media coverage. I don't recall the time frame on this study. ENC worked on this. I am not positive whether checkoff funds were used for this monitoring or not.

The three bullet points on the activity report from Edelman should not have been listed under Community Outreach (SOS and NBC). We were working with SOS (Share Our Strength) who is

(b) (6)

a non-profit hunger organization and NBC is the broadcast company working on other projects not related to Beyond Eggs.

I have reviewed the accounts payable information that included a letter, dated December 13, 2013, from Edelman to me. It included an Edelman activity report for November 2013 and included Stakeholder Mapping; Drafted New Year's/Beyond Eggs guidelines and sent to bloggers for reference \$4,439.27. The Stakeholder Mapping project was research to see which bloggers were friendly to eggs, writing about eggs, and identify uses for eggs. To my knowledge none of the work dealt with Beyond Eggs specifically.

I reviewed AEB accounts payable information that included a letter from Edelman dated March 13, 2014 that read in part "Enclosed, please find the Beyond Eggs invoice reflecting Edelman's work on behalf of AEB in February along with an activity report providing summaries of work each budget line-item and the budget tracker. February Invoice Totals: The Beyond Eggs invoice totals \$9,534.22 (\$3,431.28 in professional service fees plus \$6,102.94 in material and expenses)." This document had my signature on it. I signed this because \$3,431.28 of this invoice belonged to my program and included the blogger work. There was also information concerning a \$59,500 budget for Beyond Eggs which came out of IVY's budget and the information showed as of March 2014 there was a remaining balance of \$10,069.98.

This March 13, 2014 invoice from Edelman included media monitoring, consumer research, Bloomberg, China TV and a Fooducate partnership. This work falls outside of my Industry Programs area. I do not know where these partnerships were held at AEB.

The work that was completed by Edelman for AEB was AEB blogger postings and media information involving Allison LEWIS, Ingredients, Inc; Digital Brand Architects (DBA) reference Gaby DALKIN, What's Gaby Cooking; and Recipe Girl, Inc. This work was about recipes and the nutritional benefits of eggs. These blogs were not developed in response to TETRICK and his products. These posts would not appear where TETRICK and his products appear because these posts were made on the blogs mentioned above. These blogger relationships were in place before AEB became aware of Beyond Eggs and Josh TETRICK.

I remember sending an email dated March 3, 2014, to IVY with the subject Beyond Eggs Consumer Research. The email I sent included consumer research questions with a question involving TETRICK, his company and products; a Beyond Eggs Statement of Work (SOW) from November 1, 2013-January 31, 2014 with total budget of \$59,500 and an amendment to the SOW for Beyond Eggs with a budget of \$70,970. In the text of this email I wrote "Final proposed research questions and SOW, for your final review and approval. Thanks" This email was part of a chain of emails from February 13, 2014 that involved Elizabeth JENSEN, who worked for Edelman.

The above mentioned email referenced the questions AEB was getting from egg producers. I do not know what the questions were. This survey was developed to gain intelligence from consumers so the AEB, specifically, could respond to egg producer's questions. The survey was developed to see how many consumers were aware of egg replacers, including Beyond Eggs. I do not think I signed the SOW or the amended copy.

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I remembering receiving and reading an email dated January 5, 2015 from IVY to me and other AEB employees with the subject Crisis Management Plan and included an attachment AEB January 1 Issues Scenario Map-Full Plan. Final. The first page mentioned the document was a corporate communications guidance tool to help the AEB respond to a wide range of potential scenarios both in advance and following implementation of new legislation in 2015. This document involved legislative and Beyond Eggs scenarios.

I did not do anything in response to the legislation portion of the email mentioned above. I did not do anything that I remember in response to the Beyond Eggs portion of the email mentioned above. I did not feel we should be involved in legislation as it referred to my duties and responsibilities with AEB. I was out of the office November and December 2014 and returned to work on January 5, 2015, so I was not aware of some of the emails and I do not know what happened in November and December 2014.

I remember receiving and reading an email dated July 10, 2015; I received from IVY with the subject Hampton Creek Signs on Kathleen Sebelius. In the email IVY mentioned "Once you respond to anything on Hampton Creek, please delete your emails. I have already deleted my emails and deleted my trash. And, I will delete this one as well. Joanne IVY did not say in particular why she wanted us to delete emails pertaining to Hampton Creek. I thought this email was irresponsible. I do not think she should have sent it and I did not delete my email.

Besides this email I have not been instructed to delete emails. In response to a FOIA request AEB received I did not delete any emails. What I did do was provided the documents as requested. PAYNE did not tell AEB what to do in response to a FOIA request.

Neither I nor my staff is working on anything related to TETRICK, his company or products. The last thing we worked on that involved use of checkoff funds in reference to TETRICK, his company and products was, I believe, in the summer of 2015 and it involved media monitoring. We do not do any work concerning him or his products now because he has not been in the media. I am not aware of any other reason why we stopped monitoring. No one told us to stop. To my knowledge TETRICK's company is still in business.

I was not involved in contacting or trying to contact the United States Food and Drug Administration (FDA) concerning Just Mayo or anything related to TETRICK and his products. I do not know if anyone from AEB contacted or tried to contact FDA.

I was not involved in AEB trying to become a member of the Association of Sauces and Dressings (ASD). I do not know the why AEB tried to become a member of ASD.

I was not involved in AEB working with Unilever concerning a lawsuit Unilever had against Hampton Creek.

I did not contact Whole Foods in an effort to try and block the sale of Just Mayo, Beyond Eggs or anything related to TETRICK. I was not involved in any conversation that involved Anthony

ZOLEZZI, who is a consultant, or anyone else contacting Whole Foods in an effort to block the sale of Just Mayo, Beyond Eggs or anything related to TETRICK.

I assume the members of the Executive Committee of the Egg Board were aware that AEB used checkoff funds for work involving TETRICK's company and products, but I do not know for sure. I assume this from having verbal discussions with IVY. She said something along the lines of she let the board know what we were doing concerning TETRICK's company and products.

I believe roughly \$59,500 was spent monitoring Beyond Eggs from the Special Projects budget in Administration. Roughly \$3,900 was spent from the Industry Programs budget, but I am not sure.

I have read this statement consisting of six pages and have been given the opportunity to make additions or corrections. It is true, complete and correct to the best of my knowledge.

//////////////////////////////////////END OF STATEMENT//////////////////////////////////////

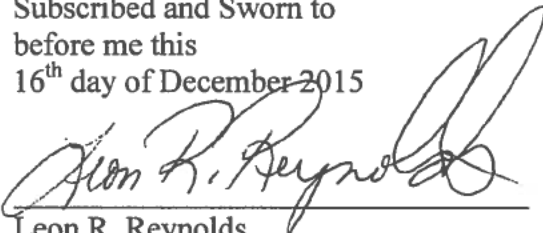
(b) (6)

Maria ROBERTS

12.16.15

Date

Subscribed and Sworn to
before me this
16th day of December 2015



Leon R. Reynolds
Personnel Misconduct Investigator
Agricultural Marketing Service
U.S. Department of Agriculture

(b) (6)

City: Park Ridge
State: IL

I, Tia RAINS, being duly sworn on oath, make the following statement freely and voluntarily to Jeffrey J. SOTOSKY, who has identified himself to me as a Compliance Officer, with the Agricultural Marketing Service, USDA, knowing this statement may be used in evidence.

I am the Senior Director, Nutritional Research & Communications for the Egg Nutrition Center (ENC), American Egg Board (AEB) and I have been in this position since July 8, 2013. My immediate supervisor is Mitch KANTER, Director, ENC, AEB. Since Joanne IVY, former CEO, AEB retired in September 2015, Paul SAUDER, Chairman, R.W. Sauder Inc. and Blair VAN ZETTEN, Vice Chairman, Oskaloosa Food Products, Oskaloosa, IA have been overseeing AEB.

ENC is the research arm of AEB. My duties and responsibilities include managing our research and fellowship program. I manage our two news letters that we send out. I do health professional outreach which includes presentations and sometimes providing information at exhibit booths. I do not supervise any employees.

When I began working I was given my duties and responsibilities in writing by KANTER. I received an annual performance evaluation and my duties and responsibilities are reinforced during that process. My last performance evaluation was one week ago.

To conduct my duties and responsibilities I have an email account. My email address is trains@eggnutritioncenter.org. I am the only person sending emails from my AEB email account. There is a password to get onto my computer.

As part of my duties and responsibilities I interact with Kenneth PAYNE, Director, Research and Promotion Division, Livestock, Poultry, and Seed Program (LPS) often. From my understanding PAYNE's duties and responsibilities include overseeing the ENC/AEB to make sure we (AEB) adhere to the guidelines in respect to the check off programs and he approves all contract and external communications that are sent to groups of people. I have known PAYNE since he became the AMS oversight Point of Contact (POC). I did not directly work with Angela SNYDER or Emily DEBORD, AMS, USDA.

I am aware of the Federal regulations and information set forth in the Egg Research and Consumer Information Act and other egg board related procedures that assessed funds were to be used for the effective and continuous coordinated program of research, consumer and producer education, and promotion designed to strengthen the egg industry's position in the marketplace, and maintain and expand domestic and foreign markets and uses for eggs, egg products, spent fowl, and products of spent fowl of the United States. The regulations also mentioned no such advertising, consumer education, or sales promotion programs shall make use of unfair or deceptive acts or practices on behalf of eggs, egg products, spent fowl, or products of spent fowl or unfair or deceptive acts or practices with respect to quality, value, or use of any competing product. I do not recall when I was made aware of this, but I am familiar with it.

The purpose of the AEB is to increase the demand for eggs and egg products. If I felt members of the Egg Board or the AEB staff conducted themselves in an inappropriate manner concerning the AEB's function as established through federal regulations I would probably use my chain of command and contact KANTER first. I also know that I could contact PAYNE if need be. I attended AMS training in Washington, DC, in June 2015 and I was made aware that I could contact the USDA Office of Inspector General if necessary.

The members of the American Egg Board's Executive Committee (Executive Committee) are SAUDER; VAN ZETTEN; Scott RAMSDELL, Secretary, Dakota Layers LLP, Flandreau, SD; Clint HICKMAN, Treasurer, Hickman's Egg Ranch, Buckeye, AZ; Andrew REICHMAN, Parker & Reichman Inc., Andrews, NC; and Tom HERTZFELD II, Hertzfeld Poultry Farms, Inc., Grand Rapids, OH and Roger DEFFNER, Immediate Past Chair, National Food Corp., Everett, WA. The Executive Committee is responsible for overseeing all of AEB's programs that we administer. The Executive Committee approves items such as budgets, AEB objectives, meeting goals, and accomplishments for the year.

AEB funds should be used for the research, education and promotion of eggs. KANTER handles all of the financial information for ENC.

I am aware of Josh TETRICK, Owner of Hampton Creek and his products to include Just Mayo and Beyond Eggs. I became aware of TETRICK and his products shortly after I started working for AEB. TETRICK claims his products use non-animal proteins and other alternatives to eggs. To my understanding TETRICK's product, Just Mayo, could be best described as a vegetarian mayonnaise.

There are other products similar to Just Mayo, but I cannot think of any. I am not aware of any companies similar to TETRICK's. Besides companies that make a vegetarian mayonnaise, but I believe his company aspirations are bigger than Just Mayo.

The agencies we have used for the promotion, research and marketing of projects and studies with respect to sale, distribution, marketing, utilization, or production of eggs, egg products, and the creation of new products are Edelman and Starcom (used by Consumer Marketing). I have worked with Edelman.

I believe only Edelman was involved in responding to Beyond Eggs. I knew that AEB was working with Edelman regarding Beyond Eggs, but I was not involved in the meetings that AEB held with Edelman representatives. After the complaint was made public I read that Edelman used their Crisis Management Team to respond; Edelman hired bloggers to promote eggs; someone was contacted by AEB in order keep Just Mayo out of Whole Foods; and there was a separate budget allocated for Beyond Eggs.

Edelman was already AEB's main public relations company, so when the topic of Hampton Creek came up they were the company to provide advice AEB. They were not called in because of Hampton Creek. I was not aware of any specific contract between AEB and Edelman specifically regarding Hampton Creek/Beyond Eggs. I had no part in approving any funds for Edelman to address Hampton Creek/Beyond Eggs.

I do not know a lot about Edelman's Crisis Management Team. From what I understand is that Edelman may pull in other employees to join the assigned public relations team if needed. I have never met any of the Edelman employees who were brought in for the Crisis Management Team.

To my knowledge Edelman was not used for the purpose of deterring someone from buying an egg alternative product such as Beyond Eggs Just Mayo. IVY would be the person from AEB who would have approved the use of Edelman in response to Beyond Eggs.

When the complaint came about I read about bloggers that AEB hired, but I never visited any of the pages to read the actual blogs. Typically a blog will disclose the relationship with AEB and I know PAYNE looks for that in our blogs.

Besides what I read in the complaint, I was not aware that Edelman led internet viewers to incredibleegg.org or aeb.org by using keyword searches.

I do not recall receiving media updates from Edelman regarding Beyond Eggs, but since I was not working on anything involving that matter I may have just deleted the email. I did receive news articles that were sent out the office regarding Beyond Eggs. Sometimes they were sent by someone from Edelman and sometimes other AEB staff would send them.

Edelman sometimes conducts surveys for ENC, but I cannot specifically recall seeing a survey regarding Beyond Eggs. It sounds familiar, but it was not something that I was involved in.

I reviewed an email dated 9/24/14 sent from Han ZHAOPENG to me. In the email ZHAOPENG asked if I could speak about Beyond Eggs. Mia ROBERTS, Vice President of Strategic Operations, was supposed to conduct the presentation for the Egg Industry Conference in China, but because she was unable to make the trip I was asked to do it. I was provided the slide deck, which is what I used for the presentation. John HOWETH, Senior Vice president of Food Service and Marketing, created the egg replacer slides. Most of the presentation revolved around the scope of what AEB does and there were only a couple slides concerning Beyond Eggs.

I reviewed an email dated 3/13/15 that I sent to Alan ANDREWS, Director of Marketing Cal-Maine Foods where I related to him that I could talk about Beyond Eggs. This was regarding the Louisiana State Dietetics Meeting and the Mississippi State Dietetics. I presented at both meetings and I used the same Beyond Eggs slides. The purposes of these meetings were focused on ENC's research programs. I would not have included the Beyond Eggs slides if ANDREWS had not requested them. There were only a couple slides pertaining to Beyond Eggs and this was a very small portion of the presentation.

I reviewed an email dated 11/12/14, that Jacinta LEDONNE, Director of State Programs, AEB, sent me that contained a power point presentation. The presentation included one slide regarding egg replacers and one slide that specifically mentioned Beyond Eggs. I believe that was needed for my trip to China.

I have presented at the Health Professional Advisors conference call, but I only speak about new studies or research that is being conducted. I do not believe I ever presented anything related to Beyond Eggs at this conference.

I read the second comparative Environmental footprint study conducted by Iowa State University. I had no involvement in that study and that did not originate from the ENC side of AEB.

I was not involved in the patent review that was conducted regarding Just Mayo. I believe KANTER forwarded me emails regarding the review after the fact, but I was not aware that he was conducting the review at the time. I know that Gil LEVEILLE, Independent Professor (retired) and Tong WANG, Professor at Iowa State University, conducted the review, but I do not know what they were paid.

I was not aware that there was a specific line item in the budget for Beyond Eggs and I do not know how much was spent on Beyond Eggs. I have no direct knowledge that the AEB authorized the use of \$59,500 for purposes to include outreach, research, marketing and projects involving Hampton Creek, Beyond Eggs or its affiliates. I never saw a statement of work regarding Edelman's work regarding Beyond Eggs.

Based on my knowledge of what Edelman did on behalf of AEB, I do not think it was an unfair or a deceptive act or practice. I believe AEB and Edelman's response to Beyond Eggs was an effort to maintain the demand for eggs. I did not feel that Beyond Eggs was a major threat, but I was not involved in those meetings and I do not work in egg replacers.

Besides what I read in the complaint, I have no knowledge that information pertaining to Beyond Eggs was purposely kept from USDA. I have no knowledge that anyone from AEB contacted the Food and Drug Administration (FDA) concerning a Just Mayo labeling violation. I have no knowledge that any AEB employees attempted to join or joined the Association for Dressings & Sauces (ADS).

To my knowledge AEB funds were not used to try to influence governmental policy or action.

Besides what I read in the complaint, I have no direct knowledge that Anthony ZOLEZZI ever conducted any work for AEB or that he contacted Whole Foods in order to stop the Just Mayo product from being sold. I never attended any meeting where ZOLEZZI was present.

Besides what I saw in the complaint, I have no knowledge that anyone from AEB contacted Unilever and provided information about Hampton Creek.

I responded to a Freedom of Information Act (FOIA) request concerning Beyond Eggs. I had to type in the search terms that were provided. I believe I placed those emails in a file on the shared drive or I gave them to KANTER. I did not purposely leave out any emails regarding Beyond Eggs.

I reviewed an email dated July 10, 2015, with the subject "Re: Hampton Creek Signs Kathleen Sebelius" from IVY, where she directed some staff to delete any emails pertaining to Hampton Creek once they responded. She also noted that she already deleted her emails and deleted her trash.

I never received an email that directed me to delete any emails. I do not recall anyone ever verbally telling me to delete emails. I never purposely deleted any emails regarding Hampton Creek, Beyond Eggs or Just Mayo, to my knowledge. In September 2015, there was staff meeting where we were told that we were going to start implementing the one year email retention policy. IVY was conducting the meeting and everyone who was in the office that day was present. The guidance was not to delete emails pertaining to Beyond Eggs, but any emails beyond one year were to be deleted per AEB's policy. There were questions by some staff as to whether we would be allowed to do that. Either later that day, or the next day I was told that we could not implement the guidance given by IVY about the one year retention. I cannot recall if we had another meeting or how I was notified.

I have read this statement consisting of seven pages and have been given the opportunity to make additions or corrections. It is true, complete and correct to the best of my knowledge.

//////////////////////////////////////END OF STATEMENT//////////////////////////////////////

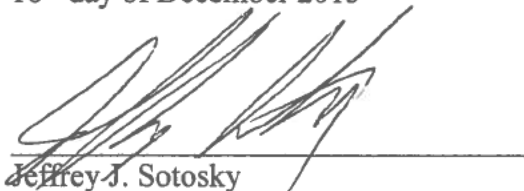
(b) (6)

Tia RAINS

12/14/15

Date

Subscribed and Sworn to
before me this
16th day of December 2015



Jeffrey J. Sotosky
Compliance Officer
Agricultural Marketing Service
U.S. Department of Agriculture

Initials (b) (6)

Date: December 16, 2013

To: AEB

From: The Edelman AEB Team



Re: **Beyond Eggs Revised Blogger Recommendations**

To continue to drive positive and balanced conversations about real eggs in light of the Beyond Eggs coverage, we recommend working with a mix of influential real-food/agriculture advocates and RD bloggers (five to ten) to showcase the benefits of eating all-natural eggs. Please see below for our revised recommended approach along with bloggers we would like to engage (in order of preference).

Approach

Engage five to ten bloggers to publish content on the many benefits of eggs to generate buzz and awareness for all-natural eggs. We want to cast a wide net to reach consumers with our messaging, so the goal is to secure participation from influential bloggers with large followings on their blogs and social channels. Because the influencers outlined below have a large footprint, they may ask for higher compensation so we will need to consider their fees to determine exactly how many bloggers we can support within the budget of \$7,500 to \$15,000.

Blogger Roles/Responsibilities

- Each blogger will publish one blog post that will include the following key messages:
 - Eggs are all-natural and packed with a number of nutrients, including high-quality protein. The quality of egg protein is so high that scientists often use eggs as the standard for measuring the protein quality of other foods.
 - Egg farmers work hard to provide safe, nutritious food while maintaining the highest quality care for their hens. Today's hens are producing more eggs and living longer due to better health, nutrition and living environment.
 - Egg production today uses fewer resources and produces less waste. A new Egg Industry Center study shows the industry has decreased greenhouse gas emissions by more than 70 percent and uses 32 percent less water over the past 50 years.
 - At an average of just 15 cents apiece, eggs are the most affordable source of high-quality protein.
- Each blogger will Tweet 1-2 times; @IncredibleEggs will retweet. Tweets may include:
 - Links to the blog posts
 - Egg recipes
 - Nutrition nuggets
- Each blogger will post to Facebook 1-2 times. Facebook posts may include:
 - Links to the blog posts
 - Hashtag #TeamEggs
- All social media posts should use the hashtag #TeamEggs

Assets

We will share the following assets with each blogger:

- Environmental fact sheet and infographic
- Holiday fails/fixes list

Exhibit 22



Page 1 of 4

- Dozen Reasons to Love Eggs fact sheet
- Fresh Start tips

Candidate Criteria and Rationale

Candidates are listed below and have been vetted using the following criteria:

- Has a large, active blog readership
- Has a large “social media foot print” with presence on sites like Twitter and Facebook
 - Note: Blog readership/footprints vary by candidate (e.g. some have more Facebook likes, but less Twitter followers, etc.), however the overall footprint of each candidate makes them a good partner
- Interested in nutritious, meal-time solutions and are egg-friendly
- Has not written about animal welfare concerns, organic/free-range focus, extreme religious views in the past

Influencer	Expertise	Social/Traditional Media Footprint
 <p>Ree Drummond <u>ThePioneerWoman</u> Osage County, OK</p>	<ul style="list-style-type: none"> • Ree is an award-winning blogger, best-selling cookbook author and mother of four. • Ree’s blog focuses on her transition from corporate city girl to domestic country wife. • The most popular section of her website focuses on cooking, where she posts step-by-step photos of all the “cowboy-friendly” dishes she’s cooked through the years. • She has numerous recipes on her blog that showcase <u>eggs</u> as the star of the dish. • <i>NOTE: It does not appear that Ree is currently doing sponsored content on her site</i> • <i>NOTE: Partnering with Ree would start upwards of \$25K</i> 	<ul style="list-style-type: none"> • 1.5M+ unique monthly visitors • 1.3M+ fans on Facebook • 440K+ followers on Twitter • 286K+ followers on Pinterest • She has been featured in <u>USA Today</u>, <u>Parade</u> and <u>The New York Times</u>, among others. • Ree has a show on Food Network that focuses on her family’s adventures on the ranch and cooking for all occasions – from throw-together suppers to elegant celebrations.
 <p>Temple Grandin, PhD <u>TempleGrandin</u> Fort Collins, CO</p>	<ul style="list-style-type: none"> • Temple is a renowned doctor of animal science and professor at Colorado State University, bestselling author, autistic activist (she is autistic), and consultant to the livestock industry on animal behavior. • In 2010, Temple was listed in the Time 100 list of the 100 most influential people in the world. • Has said that she sees nothing wrong with the use of large feedlots or confinement facilities as long as the animals have enough space to move and lie down, do not get overheated and can have some semblance of privacy for such acts as hens’ laying eggs. • In regard to Prop 2 and Egg Bill, Grandin said, “Enriched colony housing is a system that the egg industry should adopt.” 	<ul style="list-style-type: none"> • 8,600K+ unique monthly visitors • 100K+ fans on Facebook • 1,800+ followers on Twitter • Temple has been featured on major media programs, such as the <i>Today Show</i>, and has been the subject of feature stories in in <u>Time</u>, <u>USA Today</u>, <u>Forbes</u> and <u>The New York Times</u>, among others. • In 2010, HBO released an Emmy Award winning film on her life.



Hemi Weingarten
[Fooducate](#)
San Francisco, CA

- Hemi is a technology entrepreneur, business consultant and father of three young children. He also takes on the cooking duties in his home and his website to help others healthfully navigate the supermarket.
- He has developed an app that shares nutritional and other health information for users to leverage while shopping.
- The app was chosen by Apple as the best health app of the year and also came in first place in the US Surgeon General's [Healthy App Challenge](#).
- He blogs daily about nutrition in the news, ways to eat healthier and other health/lifestyle cross-over content.

- 89K+ unique monthly visitors
- 83K+ fans on Facebook
- 22K+ followers on Twitter
- Hemi is a semi-regular featured columnist for [The Huffington Post](#).



Kris Gunnars
[AuthorityNutrition](#)

- Kris is a medical student and personal trainer who has a passion for all aspects of health and nutrition.
- Kris blogs about nutrition and meal planning through a scientific lens; his posts have an evidential focus and are supported through peer-reviewed literature.
- He lists eggs as one of his "basics" of a good low-carb meal plan.
- His posts are frequently written in a list/numerically ordered format, which leads to easily shared content.

- 112K+ unique monthly visitors
- 75K+ fans on Facebook
- 3.7K+ followers on Twitter
- Kris recently had his pro-egg piece titled "[6 Scientific Reasons to Eat Eggs](#)" featured on Business Insider; the article has been viewed nearly 30K times since 12/5.
- His work has also been featured on the Gawker Media property [io9](#).



Kath Younger, RD
[KathEatsRealFood](#)
Charlottesville, VA

- She is a registered dietitian who uses her blog to share updates on her personal weight loss goals, healthy recipes and various other family-oriented lifestyle content.
- Proponent of "real food": "There is plenty of research to support the consumption of real food. Numerous studies have found epidemiological evidence that eating whole foods (particularly plants!) has a protective effect on health and reduces risk of chronic disease.... Obviously foods like apples, eggs and green beans are real food."
- Kath also runs several other offshoot sites to Kath Eats Real Food, including writing about motherhood at [Baby KERF](#) and motherhood and health at [Real Health](#).
- She has a section on blog devoted to oatmeal; she is not paid by Quaker – she just loves oatmeal. She includes a wide variety of egg breakfast recipes throughout the site.

- 21K+ unique monthly visitors
- 5K+ fans on Facebook
- 14K+ followers on Twitter
- 5K+ followers in Instagram
- Kath has won several blog awards over the past few years, including the FoodBuzz's Best Food Blog 2009 and Best Healthy Living Blog 2011.
- She has been profiled and her recipes featured on many top-tier national media outlets, including [TechCrunch](#), [O, The Oprah Magazine](#) and [Shape](#).



Gina Homolka
Skinny Taste
New York, NY

- Focus on healthy, low-fat and nutritious meal options
- Author, photographer and recipe developer
- Currently testing recipes for first cookbook, due fall of 2014
- Marries taste with nutrition to create satisfying meals
- Focus on portion control and eating whole foods
- [Fitness Magazine Best Healthy Eating Blog Winner](#) (2012)
- [The Daily Meal Top 25 Food Blogs 2012](#)
- [Huffington Post Living 35 Diet and Nutrition Experts to Follow](#) (2012)

- 475K+ UMV
- 360K+ Facebook fans
- 28K+ Twitter followers
- 420K+ Pinterest followers
- Skinnytaste has been featured in [Runner's World](#), [Oprah.com](#), [Glamour.com](#), [Gourmet Live](#), [The Kitchn](#), [Finecooking.com](#), [Fitness Magazine](#), [More Magazine](#), [Country Living](#)



Lori Lange
Recipe Girl
Lake Tahoe, CA

- Food Blogger/Writer & Recipe Developer
- Creates and delivers recipes that inspire novices and veterans alike and makes cooking in the kitchen fun. Her blog houses more than 2,700 original and adapted recipes, many of which include eggs as an ingredient or centerpiece
- Lori's first cookbook, "The Recipe Girl Cookbook" was published in April 2013

- 165K+ unique monthly visitors
- 180K+ Facebook fans
- 29K+ Twitter followers
- 202K+ Pinterest followers
- Work has been featured in [Saveur](#), [LA Times](#), [Huffington Post](#), [Shape](#), [Bon Appetit](#), [The Daily Meal](#), [Parade Magazine](#), [Taste of Home](#), [Ladies Home Journal](#) and [USA Today Weekend](#)



Keri Glassman MS, RD, CDN
Nutritious Life
New York, NY

- Founder and president of Keri Glassman, Nutritious Life, a nutrition practice based in New York City
- "Whole person" approach to health and wellness
- Member of *Women's Health Magazine* advisory board and writes a popular monthly column called "Lighten Up" and a page called "Flat Belly Day"
- Has authored four books, including *The New You and Improved Diet*, which gives readers 8 rules to finding their best body ever
- Keri recently participated in AEB's Back-to-School outreach with a blog post on eggs for breakfast on [Livestrong](#)

- 1K+ unique monthly visitors
- 8,700+ Facebook fans
- 13K+ Twitter followers
- 1K+ Pinterest
- Keri is frequently featured on national television programs including NBC's *The Today Show*, ABC's *Good Morning America*, *The Chew*, *Dr. Oz*, *The Doctors*, MSNBC, The Fox News Channel and CNN

Reynolds, Leon - AMS

From: Mia Roberts <MRoberts@aeb.org>
Sent: Friday, February 07, 2014 6:14 PM
To: 'Englert, Jenny'
Cc: 'Joanne Ivy'; 'Kevin Burkum'; 'Kristin Livermore'; 'John Howeth'; 'Mitch Kanter'; 'Maher, Missy'; 'Liuzzi, Andrew'; 'Grosshandler, Jennifer'; 'Schaffner, Serena'; 'Burch, Kellie'; 'Jensen, Elizabeth (Schreiber)'; 'Joanne Ivy'; 'Kevin Burkum'; 'John Howeth'
Subject: Re: Beyond Eggs Blogger Outreach

Thanks Jenny -- they look good! I shall let Kevin weigh in on the amplification, and look forward to hearing the update on Temple Grandin.

Mia

On Feb 7, 2014, at 4:44 PM, "Englert, Jenny" <Jenny.Englert@edelman.com> wrote:

Hi all,

We are happy to share that two of our Beyond Eggs blog posts have gone live on [Recipe Girl](#) and [Ingredients, Inc.](#) this week. Both bloggers did a great job of highlighting the benefits of eating real foods, such as eggs, and they included several of our key messages within their posts. The posts also link back to the 30-year sustainability study.

We are continuing to follow up with Temple Grandin to gauge her interest in working together and will be coordinating the second round of blog posts from [What's Gaby Cooking](#) and [Doughmesstic](#) for the week of 2/17.

We are planning to share links out to the posts on social media, and recommend sharing with Starcom for amplification on Outbrain. Please let us know if you are aligned and have a great weekend!

Best,
Jenny

From: Jensen, Elizabeth (Schreiber)
Sent: Friday, January 17, 2014 4:45 PM
To: Joanne Ivy; Kevin Burkum; Kristin Livermore; Mia Roberts; John Howeth (JHoweth@aeb.org); Mitch Kanter
Cc: Maher, Missy; Liuzzi, Andrew; Grosshandler, Jennifer; Schaffner, Serena; Englert, Jenny; Burch, Kellie
Subject: Beyond Eggs Blogger Outreach

Hi everyone,

We wanted to provide a more comprehensive update on the Beyond Eggs blogger outreach. To date, we've confirmed four blogger partners and are in talks with three more, including Temple Grandin, Fooducate Blogger Hemi Weingarten, and popular RD, Carolyn O'Neil. We have not received responses from The Pioneer Woman and have received one decline from Kris Gunners ([Authority Nutrition](#)).

We believe that our confirmed bloggers are a strong group that will effectively deliver our key messages, and we would like to get started on issuing contracts, with your approval. The total fees for confirmed

bloggers to date is \$7,500. As you may recall, we estimated between \$7,500 - \$15,000 so we still have wiggle room for the folks that we're still in talks with. Please see below for a more detailed update. In the meantime, we'll continue outreach to our other interested bloggers and keep you updated. We look forward to your feedback and as always, holler with questions.

Best,
Elizabeth

BLOGGER OUTREACH AND STATUS

Confirmed Interest:

- Lori Lange, [Recipe Girl](#)
 - 165K+ unique monthly visitors
 - Fee: \$2,500
- Alison Lewis, [Ingredients, Inc.](#)
 - 30K+ unique monthly visitors
 - Fee: \$1,500
- Gaby Dalkin, [What's Gaby Cooking](#)
 - 12K+ unique monthly visitors
 - Fee: \$2,000
- Katherine Younger, [Kath Eats Real Food](#)
 - 21K+ unique monthly visitors
 - Proposed Fee: \$1,500

Total Fee: \$7,500

In Talks With:

- Hemi Weingarten, [Fooducate](#)
 - 89K+ unique monthly visitors
 - Proposed Fee: \$3,000
 - Waiting on Starcom's POV
- Carolyn O'Neil, [O'NeilOnEating](#)
 - 1K+ unique monthly visitors
 - Proposed Fee: \$1,500
- Temple Grandin, [TempleGrandin](#)
 - 8,600K+ unique monthly visitors
 - In contact with rep to discuss details

Declined:

- Kris Gunners, [Authority Nutrition](#)

No Response:

- Ree Drummond, [ThePioneerWoman](#)

Following Up With:

- Gina Homolka, [Skinny Taste](#)
- Susan Whetzel, [Doughmesstic](#)

City: Park Ridge
State: IL

I, Serena Hoskinson SCHAFFNER, being duly sworn on oath, make the following statement freely and voluntarily to Leon R. REYNOLDS who has identified himself to me as a Compliance Officer, with the Agricultural Marketing Service, USDA, knowing this statement may be used in evidence.

I am the Director of Marketing Communications, American Egg Board (AEB) and started working for AEB in June 2014 and as Director of Marketing Communications since I was hired. My immediate supervisor is Kevin BURKUM, Senior Vice President, AEB. BURKUM has been my supervisor since I started working at AEB.

My duties and responsibilities include part of the consumer marketing group, I oversee public relations tactics and strategy; strategy and implementation of social media. I was aware of my duties and responsibilities by BURKUM in June 2014 when I started working at AEB. I received a written copy of my job description when I was hired. My last performance evaluation was on December 11, 2015. It was a scale of certain questions and a section for reviewer.

The AEB employee under my immediate supervision is Grace SWEENEY, Social Media & Marketing Coordinator, AEB. SWEENEY has worked for the AEB since June 2015 and her duties and responsibilities include being the social media coordinator.

As part of my duties and responsibilities I interact with Kenneth PAYNE, Director, Research and Promotion Division, Livestock, Poultry, and Seed Program (LPS) approximately once or twice a week since I started. I go to PAYNE for approval on materials we are going to use that in one way shape or form will touch consumers or will go out to the public such as blogger post, website, press releases, Facebook post, Twitter post, print ads, recipe videos, advertisement videos, contracts and key messages.

PAYNE has reviewed my contracts since I started. These were blogger agreements, vendor agreements, scopes of work (SOW) for Edelman and our digital agency. There was a format for USDA contracts and each outlined a SOW we were entering into. Gwen RAMIREZ, Executive Assistant, AEB kept a copy of the completed contract. I believe she kept them in the AEB office. I was not PAYNE's direct contact for issues related to Beyond Eggs, Just Mayo, Hampton Creek or Josh TETRICK, owner of Hampton Creek. I think Joanne IVY, former President of AEB was the main point of contact.

From my understanding PAYNE's duties and responsibilities included oversight of the AEB and he approved our materials and reviewed our work. If I need to communicate with PAYNE I know how to get in contact with him. I have known PAYNE since I started working for AEB. Prior to my employment with AEB I worked for Edelman, which is a global public relations agency, from 2004 to 2014. My duties and responsibilities at Edelman included working with several clients in reference to marketing, strategy, industry and marketing programs. AEB was one of my clients when I worked for Edelman.

When I worked at Edelman I rarely dealt with issues AEB had related to Beyond Eggs, Just Mayo, Hampton Creek or TETRICK. Those issues were dealt with by Edelman's Crisis Team. The Crisis Team is a special division in Edelman that works with clients who have issues in the future or currently going on and they support clients by offering strategies to address the issues. They put together programs and offer counsel on how to address the issues. Edelman could draft press releases, statements, and key messages. Key messages are drafted if someone was asked to give an interview, Edelman would give them key messages they could reference in the interview.

The issues I helped with, when I worked at Edelman, that AEB had where with Hampton Creek. I was copied on things and pitched in when asked. My main focus was consumer marketing and industry programs which was Mia ROBERTS, Vice President of Strategic Operations, AEB; group. I do not remember everything I was copied on but do remember the blogger work. All the work we did for AEB was for a fee.

Since I was hired at AEB I was involved in issues management in response to the Associate Press story, September 2015, related Hampton Creek and the egg board. The article said AEB or the egg board tried to keep Just Mayo out of Whole Foods stores.

My email address when I worked at Edelman was serena.schaffner@Edelman.com and my email address at AEB is sschaffner@aeb.org. No one has access to send my emails except me.

I am aware of the Federal regulations and information set forth in the Egg Research and Consumer Information Act. I have been aware of this information since I started working for AEB in June 2014.

The purpose of the AEB is increase the demand for eggs and egg products on behalf of American farmers. If I felt members of the Egg Board or the AEB staff conducted themselves in an inappropriate manner concerning the AEB's function as established through federal regulations I would tell my supervisor. I would not contact PAYNE without contacting my supervisor first.

I did receive and read an email dated August 20, 2013; from IVY to me and other Edelman employees (Elizabeth JENSEN and Missy MAHER) with the subject Beyond Eggs. In the email IVY mentioned it would be a good idea if Edelman looked at this product as a crisis and a major threat. I feel the reason this email was sent to me was JENSEN, MAHER and I were the main contacts on the AEB Edelman team. In response to this email I do not remember doing anything in reference this email but MAHER followed up with the Crisis Management team for AEB reference Beyond Eggs. MAHER helped them with their situation but I do not remember all the details. What I do remember is the blogger program.

I reviewed two attached letters dated December 13, 2013 from Edelman that were sent to ROBERTS. At the bottom of each letter was my name. One had the writing "Please don't hesitate to call if you have any questions." "Best, and my name." The second had "Please let me know if you have any questions. Thank you and my name." The second page also had in writing Stakeholder Mapping \$4,439.27 and included "Drafted New Year's/Beyond Eggs guidelines and sent to bloggers for reference." This is a copy of a document from Edelman sent to AEB every month. The second page is an activity sheet. When I was with Edelman when we worked with

AEB there were three groups from AEB we had a contract and separate budget with three groups. The groups were headed by BURKUM, ROBERTS and Mitch KANTER and it entailed work they did under their supervision at AEB. I worked with all the groups to some degree. Mainly BURKUM and ROBERT'S groups.

The two sheets of Edelman papers was from blogger outreach work where we spoke about the nutritional benefits of eggs. The reason why Beyond Eggs was mentioned because at the time I believe the blogger outreach activities were looped under Beyond Eggs because we thought we needed to do a consumer education program about the benefits of eating eggs. This was because there was a lot of heated statements and misinformation from TETRICK about how eggs were produced and AEB wanted to educate consumers. This was another tactic we used to educate people about egg production practices and nutritional benefits. I do not remember if the \$4,439.27 was just for the Beyond Egg work but it applied to work listed on the document including Beyond Eggs.

TETRICK said egg farming was unsustainable and the egg farmers were feeding people shit and abusing hens. I have copies of information reference to what TETRICK said that I can send to REYNOLDS. These references came from news media articles.

I reviewed a letter dated March 13, 2014 from Edelman to IVY that mentioned Beyond Eggs invoice totals \$9,534.22 and had my name listed on the bottom of the page. This document also mentioned Beyond Eggs invoice reflecting Edelman's work on behalf of AEB in February along with an activity report providing summaries of work on each budget line item and budget tracker. This is a copy of a document from Edelman from work I was involved in when I worked for Edelman. This was some of the bloggers we worked with which included Alison LEWIS from Ingredients Inc, Gaby DALKIN from What's Gaby Cooking, and Recipe Girl. We asked them to write about the nutritional benefits of eggs and include a recipe on how to cook eggs. We asked them to do these things and post them on their own blog for their following to see, while disclosing that they were sponsored by the AEB to write this post. These blogs are not connected to any other information, meaning if you were looking for something else this blog would not appear.

I reviewed an email dated November 21, 2014; from IVY to me with the subject American Egg Board Follow Up. In the email IVY mentioned she wanted to make sure I had what I needed and my response was good and accurate. IVY also mentioned the counsel from Unilever called and that she provided them with some basic information that was helpful and that AEB could not make statements that would support Unilever's position. I do not specifically know what she was referring to. I did not have any involvement with Unilever. At the time Unilever was suing Hampton Creek for labeling the product as mayonnaise.

I reviewed an email dated June 15, 2015 from IVY to me and other AEB and Edelman staff in which she said Serena I think that was a very wise to discuss with the Crisis team how we want to address NYT's questions about AEB's overall strategy regarding Hampton Creek on light of the FOIA. I remember receiving this email and the reason she felt it would be good for me to discuss Hampton Creek with the crisis team because of my experience working at Edelman concerning Hampton Creek.

I received and read an email dated July 10, 2015 from IVY to me, some AEB staff members, some Edelman's employees with the subject Hampton Creek Signs on Kathleen Sebelius. In the email IVY mentioned once you respond to anything on Hampton Creek, please delete your emails. I did not do anything. I kept my emails. I do not have an opinion on if it was improper for her to tell employees to delete their emails. I am sure she was spooked by the FOIA we received.

I do not remember an email on September 8, 2015 to BURKUM in which I mentioned blog post: Fooducate, What's Gaby Cooking, Doughmesstic, Ingredients, Inc; and Recipe Girl

I was not involved in any efforts by the AEB to contact the United States Food and Drug Administration concerning TETRICK and his products. I was not involved in any efforts to prevent Whole Foods from selling Just Mayo. I was not involved in AEB's efforts to become a member of the American Association for Sauce and Dressings.

I have read this statement consisting of four pages and have been given the opportunity to make additions or corrections. It is true, complete and correct to the best of my knowledge.

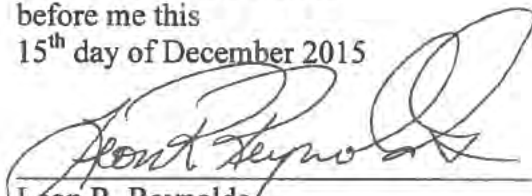
//////////////////////////////////////END OF STATEMENT//////////////////////////////////////

(b) (6)

Serena SCHAFFNER

12/15/15
Date

Subscribed and Sworn to
before me this
15th day of December 2015

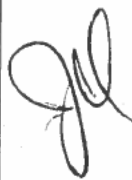


Leon R. Reynolds
Compliance Officer
Agricultural Marketing Service
U.S. Department of Agriculture

AMERICAN EGG BOARD

83981

VENDOR ID	NAME	PAYMENT NUMBER	CHECK DATE		
10059	DANIEL J EDELMAN INC	00000000000007939	4/1/2014	83981	
DOCUMENT NUMBER	DATE	AMOUNT	AMOUNT PAID	DISCOUNT	NET
100112413	3/1/2014	\$9,534.22	\$9,534.22	\$0.00	\$9,534.22
		\$9,534.22	\$9,534.22	\$0.00	\$9,534.22



COMMENT

PRODUCT DLM235 USE WITH #1500 ENVELOPE

PRINTED IN U.S.A.



Exhibit 25

Page 1 of 9

11259



INVOICE

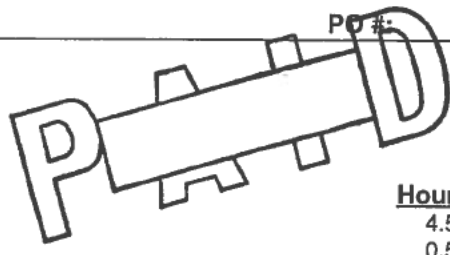
American Egg Board
ATTN: Kevin Burkum
PO BOX 738
PARK RIDGE IL 60068-1340
United States

Invoice Date: 2014-02-28 *3/1/2014*
Invoice Number: 100112413
Internal Routing: 006844
Customer Number: 1006262
Page: 2 of 2
Contract Num: 4001445
Tax ID: 36-2368817
Phone #: 312-240-3000

Project #: 179076 AEB Beyond Eggs

Activity: 01 Execution

Labor: Professional Services



<u>Employee</u>	<u>Billing Rate</u>	<u>Hours</u>	<u>Amount (USD)</u>
Englert, Jennifer Anne	121.50	4.50	546.78
Jensen, Elizabeth Schreiber	216.00	0.50	108.00
Liuzzi, R. Andrew	252.00	4.50	1,134.00
Schaffner, Serena Hoskinson	180.00	7.00	1,260.00
Singer, Jamie Eryn	153.00	2.50	382.50

Total Professional Services: 3,431.28

Materials & Expenses

<u>Name</u>	<u>Units</u>	<u>Amount (USD)</u>
Editorial Services INGREDIENTS INC	1.00	1,500.00
Editorial Services DBA MEDIA LLC	1.00	2,000.00
Editorial Services RECIPE GIRL INC	1.00	2,500.00

Administrative Charge: 102.94

Total Materials & Expenses: 6,102.94

Project Total: 9,534.22

Total Amount Due for This Invoice (USD): 9,534.22

20-915-23

Approved mia

2 pages down

Exhibit 25

Page 2 of 9

10059



INVOICE

American Egg Board
ATTN: Kevin Burkum
PO BOX 738
PARK RIDGE IL 60068-1340
United States

Invoice Date: 2014-02-28
Invoice Number: 100112413
Internal Routing: 006844
Customer Number: 1006262
Page: 1 of 2
Contract Num: 4001445
Tax ID: 36-2368817
Phone #: 312-240-3000

RE: Rendered services and/or incurred expenses through February, 2014.

Payment Terms: Net 30

Total Amount Due for This Invoice (USD): 9,534.22

Project #: 179076 AEB Beyond Eggs

PO #:

Table with 4 columns: Activity, Professional Services, Materials & Expenses, Total. Row 1: 01 Execution, 3,431.28, 6,102.94, 9,534.22. Row 2: 3,431.28, 6,102.94, 9,534.22. Total Amount Due for Project # 179076: 9,534.22



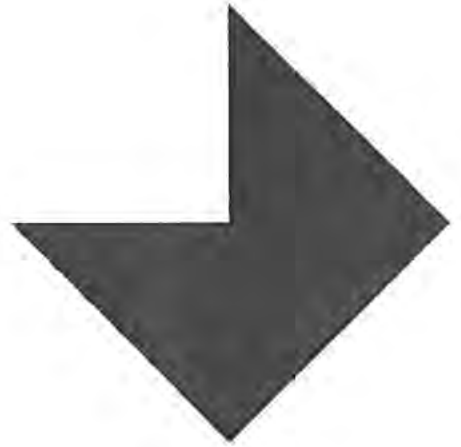
Please Remit To: DANIEL J. EDELMAN, INC. JP MORGAN CHASE, N.A. 21992 NETWORK PLACE CHICAGO, IL 60673-1219 USA

Or Please Wire Your Remittance To: DANIEL J. EDELMAN, INC. JP MORGAN CHASE, N.A. Account # (b) (4) ACH: ABA Wire: ABA Swift Code

Exhibit 25

Page 3 of 9

Edelman



March 13, 2014

Joanne Ivy
American Egg Board
P.O. Box 738
Park Ridge, IL 60068

Dear Joanne:

Enclosed, please find the Beyond Eggs invoice reflecting Edelman's work on behalf of AEB in February along with an activity report providing summaries of work on each budget line-item and the budget tracker.

February Invoice Totals:

- The Beyond Eggs invoice totals \$9,534.22 (^{3,431.28}~~\$34,311.28~~ in professional service fees plus \$6,102.94 in materials and expenses).

Please don't hesitate to call if you have any questions.

Best,

Serena Schaffner 312.297.7023
Elizabeth Jensen 312.233.1221

(b) (6)



3-25-14

Julia
Beyond Eggs

Exhibit 25

Page 4 of 9

Blogger Partner

INVOICE

Ingredients, Inc.

Alison Lewis

(b) (6)

(b) (6)

FEB 13 2014

INVOICE #20380

DATE: FEBRUARY 13, 2014

FEB 13 2014

VOUCHER ID

115333

80975

TO:

Kellie Burch
Edelman

200 East Randolph Drive | Chicago, IL 60601

Tel: 312.240.2833 | Cell: 312.241.0694

FOR:

American Egg Board

DESCRIPTION	AMOUNT
Participation in American Egg Board Blog Posting and Social Media	1500.00
TOTAL	1500.00

Exhibit 25

Page 5 of 9

Blogger Partner

p-2/25

Invoice

DBA Media, LLC
133 West 19th Street, 4th Floor
New York, NY 10011
TIN: 80-0648393
(212) 366-4566
accounting@thedigitalbrandarchitects.com
www.thedigitalbrandarchitects.com



Date	Invoice No.
2/18/2014	4410
Terms	Due Date
Net 30	3/20/2014

Bill To
Jenny Englert Edelman 200 East Randolph Drive Chicago, IL 60601

P.O. No.

Activity	Amount
Gaby Dalkin, What's Gaby Cooking - American Egg Board Real Food Campaign	2,000.00

179076 01
VOUCHER #
V# 166186
PO# 81482

All Payments are to be made in US Dollars.
Make checks payable to DBA Media, LLC

Payments by wire send to the following location:

Bank Name ----- Capital One Bank
Account Name ----- (b) (4)
Account # -----
ABA Routing # -----
Swift Code -----

Total	\$2,000.00
Payments/Credits	\$0.00
Balance Due	\$2,000.00

Exhibit 25

Page 6 of 9

Blogger Partner

p 2/25



Recipe Girl, Inc.
www.RecipeGirl.com

(b) (6)

February 18, 2014

Invoice: #021814A

Submitted via email to: Jenny Englert Jenny.Englert@edelman.com

EDELMAN | 200 East Randolph Drive | Chicago, IL 60601

Invoice:

Project: American Egg Board

Invoice Amount: \$ 2,500.00

Total Amount Due \$ 2,500.00

179076-01

Thank you!

REC'D
V# 166192
PO# 81485

Exhibit 25

Page 7 of 9

Beyond Eggs
2013-2014 Monthly Totals Budget Summary

Beyond Eggs 179076	Edelman	Budget	December 2013	January	February	YTD	Remaining
Description	Code	\$59,500.00	\$13,096.21	\$26,799.59	\$9,534.22	\$49,430.02	\$10,069.98
Beyond Eggs Execution	179076-01	\$59,500.00	\$13,096.21	\$26,799.59	\$9,534.22	\$49,430.02	\$10,069.98

Exhibit 25
Page 8 of 9

DATE: March 13, 2014

TO: Joanne Ivy, AEB

FROM: Edelman Team

RE: FEBRUARY 2014 BEYOND EGGS PR MONTHLY REPORT

Below please find a summary of Beyond Eggs PR work billed for the American Egg Board for the month of February.

Execution **\$3,431.28**

- Monitored traditional and social media for Beyond Eggs news; sent twice daily/daily reports to AEB
- Reviewed blogger content and facilitated posts
- Finalized partnership details with Fooducate; began working with contact to draft blog post
- Coordinated statement responses to Bloomberg Business Week and China TV
- Continued support on Beyond Egg-related issues
- Began development of consumer research survey
- Ongoing strategic counsel to ad hoc issues

Please let us know if you have any questions. Thank you.

Serena Schaffner	312.297.7023
Elizabeth Jensen	312.233.1221

Exhibit 25

Page 9 of 9

Reynolds, Leon - AMS

From: Joanne Ivy <JIvy@aeb.org>
Sent: Wednesday, December 18, 2013 9:41 AM
To: Kevin Burkum; John Howeth; Mitch Kanter; Mia Roberts; Kevin Burkum; John Howeth; Mia Roberts
Subject: RE: Environmental Study Release and Key Messages

Thanks for letting me know.

Joanne C. Ivy, CAE | *President & CEO*

American Egg Board

O 847.296.7043 | D 224.563.3701 | C 847.606.3166
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org



The information provided in this email is confidential and proprietary to the American Egg Board. The unauthorized use or disclosure is prohibited. If you have received this email in error, please advise the sender, and delete it from your computer.

From: Kevin Burkum
Sent: Wednesday, December 18, 2013 8:20 AM
To: Joanne Ivy; John Howeth; Mitch Kanter; Mia Roberts
Subject: Environmental Study Release and Key Messages

Our Beyond Eggs Search effort is in place on Yahoo, Bing and Google.

Kevin Burkum | *Senior Vice President of Marketing*

American Egg Board

O 847.296.7043 | D 224.563.3702 | F 847.296.7007
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org



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Exhibit 26

Page 1 of 3



josh tetrick



39,300 RESULTS Any time ▾

Ad related to josh tetrick

[Get Egg Production Facts | IncredibleEgg.org](#)

[IncredibleEgg.org/Study](#)

A New Study Shows Farmers Are Reducing Eggs' Environmental Impact

[Images of josh tetrick](#)

[bing.com/images](#)



[Josh Tetrick | LinkedIn](#)

[www.linkedin.com/in/joshtetrick](#) ▾



Founder & CEO at Hampton Creek · Food Production · 7 recommendations

View **Josh Tetrick's** professional profile on LinkedIn. LinkedIn is the world's largest business network, helping professionals like **Josh Tetrick** discover ...



hampton creek foods



Web

Images

Maps

Shopping

News

More ▾

Search tools

Exhibit 26

Ad related to **hampton creek foods** ⓘ

[Get Egg Production Facts](#)

www.incredibleegg.org/Study ▾

A New Study Shows Farmers Are Reducing Eggs' Environmental Impact

Searches related to hampton creek foods

[hampton creek foods jobs](#)

[beyond meat](#)

[hampton creek foods internship](#)

[beyond eggs](#)

[hampton creek foods stock](#)

[khosla ventures](#)

[sand hill foods](#)

[josh tetrick](#)



1 2 3 4 5 6 7 8 9 10

[Next](#)

Exhibit 26

Reynolds, Leon - AMS

From: Joanne Ivy <jivy@aeb.org>
Sent: Wednesday, December 18, 2013 9:15 AM
To: Elisa Maloberti; Elisa Maloberti
Subject: American Egg Board addresses Beyond Eggs

Having trouble viewing this email? [Click here](#)



president's update

Communicating the Value of Your Checkoff Dollars

JOANNE C. IVY, CAE

Industry Friends,

I wanted to provide an update on AEB's actions in response to the increased media coverage surrounding the new egg replacer from Hampton Creek Foods. AEB has been working diligently on your behalf to respond and defend REAL eggs.

As you may have seen, the media coverage has primarily been in the technology and business press. As we all know, there have been egg replacers before Hampton Creek Foods came along, and there will be egg replacers that come after them, but the media seems enamored with this company because of high-profile investors Bill Gates, Peter Thiel and Vinod Khosla. We are continually monitoring mainstream media along with social channels to keep a pulse on the coverage of Beyond Eggs. As news of Beyond Eggs increased over the past couple weeks due to two syndicated media articles, we conducted an analysis of the media landscape to compare whole shell egg coverage volume to that of Beyond Eggs.

Despite the recent increase of Beyond Eggs news, REAL eggs remain at the forefront of overall coverage and conversations, **being talked about 87 percent more than Beyond Eggs**. Our current holiday baking promotional campaign, featuring advertising, in-store, search, as well as traditional and social media outreach, is clearly outpacing Hampton Creek in the consumer marketplace.

However, we do expect media coverage of the company will continue to be picked up by journalists (albeit on a less frequent basis) because it is new, well-funded, and therefore interesting. But, it is untested. Our approach is to continue to tell the good news of the tried and true good egg, focusing on the [50-Year Environmental Study](#) along with the many benefits of REAL eggs to drive egg purchase and consumption. We are continually reviewing traditional media coverage/social media commentary that offers inaccurate portrayals of the natural egg industry and responding on a case-by-case basis with letters to the editors, media statements, and where appropriate, media interviews.

We are also utilizing online technology tools to help maintain the focus on REAL eggs that includes:

1. Engaging a handful of influential bloggers providing third-party recommendations to showcase the many benefits of eggs from nutrition, to environmental footprint, to animal care. By enlisting blogger advocates, we are able to reach consumers via outlets they implicitly trust and look to for information about foods they purchase for their families and recommend to friends, etc.
2. Leveraging paid search on Google, Bing and Yahoo. When consumers search for terms related to Beyond Eggs, they will also see a link to [IncredibleEgg.org's section on the 50-Year Environmental Study](#).
3. Using behavioral and content targeting, AEB will position links to positive egg industry information that users viewing content about Beyond Eggs will see.

Food Manufacturers

AEB's major initiative to address Beyond Egg is targeting food manufacturers such as General Mills, Unilever, Kraft, etc. Beyond Eggs is a plant-based egg replacer, and as I have already stated, egg replacers have been around for years. It is nothing new.

AEB's strategic response campaign targets food manufacturers and highlights the benefits of using REAL eggs versus egg replacer ingredients. AEB's objectives are to:

- * Convince food manufacturers to continue to use REAL eggs within their formulations and be inspired to develop new products with egg ingredients.
- * Discourage food manufacturers from considering egg replacers or, at the very least, question the viability of that option.

AEB aims to educate this market segment about the breadth and versatility of eggs' functional aspects. Food manufacturers don't always realize that eggs are multi-functional performing several roles in food formulations. Most egg replacers are single-function. Without eggs, a more complex and lengthy ingredient statement occurs.

Today's consumers demand transparency and simplicity in their food products. The number of consumers interested in the contents of ingredient labels continues to climb, and they are looking for very specific information. According to the 2013 International Food Information Council "Health and Wellness" annual survey, 93 percent of consumers prefer to see familiar ingredients, such as eggs, on food labels.

A print and digital ad campaign launched in October will continue throughout 2014 in *Prepared Foods*, *Food Processing*, and *Food Technology* ingredient trade publications and digital advertising on those publications websites as well as FoodNavigator-USA.com, Bakeryandsnacks.com, Foodproductdesign.com, and Foodbusinessnews.net promoting eggs as a familiar, trustworthy ingredient that can make a difference in the quality of packaged goods and consumer buying decisions.

This campaign will generate more than 665,000 impressions with the target audience of food manufacturers. Both the print and digital ads will contain links to access the digital version of "[The Egg & Clean Labeling](#)" white paper. On social media, this target audience will read these messages through Twitter and blog posts.

Elements of this surround-sound campaign include a white paper titled "The Egg & Clean Labeling" that outlines the relevance and importance of eggs in today's marketplace and their power to build trust with consumers. The white paper has been posted on AEB.org/RealEggs.

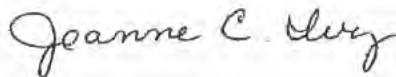
In 2014, AEB will leverage video testimonials from food manufacturers who tried replacers but were disappointed with the results. Additional tactics for next year include:

- * Webinar showcasing how eggs contribute to clean labels
- * Web-based animated infographic
- * Press releases and social media
- * Additional white papers

All these efforts and those still in development reinforce that REAL eggs are valuable in meeting diverse formulation requirements, while providing the clean labels consumers insist on. It is important that food manufacturers understand that consumers will not purchase products made with synthetic egg replacers, and thus, they should not be considered for their food applications.

If you have any questions or comments, please do not hesitate to contact me.

Best,



President and CEO
American Egg Board

[Forward this email](#)

 [Safe Unsubscribe](#)



This email was sent to emaloberti@aeb.org by jivy@aeb.org

Reynolds, Leon - AMS

From: Greg Hinton (b) (6)
Sent: Monday, December 23, 2013 10:52 AM
To: jivy@aeb.org; Joanne Ivy
Subject: Re: American Egg Board addresses Beyond Eggs

Joanne;

Good work,

Merry Christmas !!!

Greg

----- Original Message -----

From: "Joanne Ivy" <jivy@aeb.org>
To: (b) (6)
Sent: Wednesday, December 18, 2013 9:15:49 AM
Subject: American Egg Board addresses Beyond Eggs

Having trouble viewing this email? [Click here](#)

Industry Friends,

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Exhibit 27

Page 4 of 13

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If you have any questions or comments, please do not hesitate to contact me.
Best,

President and CEO
American Egg Board

Forward this email

This email was sent to ghinton@goodegg.com by jivy@aeb.org | Update Profile/Email Address | Instant removal with SafeUnsubscribe™ | Privacy Policy .

American Egg Board | 1460 Renaissance Drive | Park Ridge | IL | 60068

Exhibit 27

Page 7 of 13

Reynolds, Leon - AMS

From: Dean Hughson <deanhughson@gmail.com>
Sent: Wednesday, December 18, 2013 10:30 AM
To: Joanne Ivy; Joanne Ivy
Subject: Re: American Egg Board addresses Beyond Eggs

Great

Sent from my iPhone

On Dec 18, 2013, at 9:15 AM, Joanne Ivy <jivy@aeb.org> wrote:

Having trouble viewing this email? [Click here](#)



Industry Friends,

I wanted to provide an update on AEB's actions in response to the increased media coverage surrounding the new egg replacer from Hampton Creek Foods. AEB has been working diligently on your behalf to respond and defend REAL eggs.

As you may have seen, the media coverage has primarily been in the technology and business press. As we all know, there have been egg replacers before Hampton Creek Foods came along, and there will be egg replacers that come after them, but the media seems enamored with this company because of high-profile investors Bill Gates, Peter Thiel and Vinod Khosla. We are continually monitoring mainstream media along with social channels to keep a pulse on the coverage of Beyond Eggs. As news of Beyond Eggs increased over the past couple weeks due to two syndicated media articles, we conducted an analysis of the media landscape to compare whole shell egg coverage volume to that of Beyond Eggs.

Despite the recent increase of Beyond Eggs news, REAL eggs remain at the forefront of overall coverage and conversations, **being talked about 87 percent more than Beyond Eggs**. Our current holiday baking promotional campaign, featuring advertising, in-store, search, as well as traditional and social media outreach, is clearly outpacing Hampton Creek in the consumer marketplace.

However, we do expect media coverage of the company will continue to be picked up by journalists (albeit on a less frequent basis) because it is new, well-funded, and therefore interesting. But, it is untested. Our approach is to continue to tell the good news of the tried and true good egg, focusing on the [50-Year Environmental Study](#) along with the many benefits of REAL eggs to drive egg purchase and consumption. We are continually reviewing traditional media coverage/social media commentary that offers inaccurate portrayals of the natural egg industry and responding on a case-by-case basis with letters to the editors, media statements, and where appropriate, media interviews.

We are also utilizing online technology tools to help maintain the focus on REAL eggs that includes:

1. Engaging a handful of influential bloggers providing third-party recommendations to showcase the many benefits of eggs from nutrition, to environmental footprint, to animal care. By enlisting blogger advocates, we are

able to reach consumers via outlets they implicitly trust and look to for information about foods they purchase for their families and recommend to friends, etc.

2. Leveraging paid search on Google, Bing and Yahoo. When consumers search for terms related to Beyond Eggs, they will also see a link to [IncredibleEgg.org's section on the 50-Year Environmental Study](#).

3. Using behavioral and content targeting, AEB will position links to positive egg industry information that users viewing content about Beyond Eggs will see.

Food Manufacturers

AEB's major initiative to address Beyond Egg is targeting food manufacturers such as General Mills, Unilever, Kraft, etc. Beyond Eggs is a plant-based egg replacer, and as I have already stated, egg replacers have been around for years. It is nothing new.

AEB's strategic response campaign targets food manufacturers and highlights the benefits of using REAL eggs versus egg replacer ingredients. AEB's objectives are to:

- * Convince food manufacturers to continue to use REAL eggs within their formulations and be inspired to develop new products with egg ingredients.
- * Discourage food manufacturers from considering egg replacers or, at the very least, question the viability of that option.

AEB aims to educate this market segment about the breadth and versatility of eggs' functional aspects. Food manufacturers don't always realize that eggs are multi-functional performing several roles in food formulations. Most egg replacers are single-function. Without eggs, a more complex and lengthy ingredient statement occurs.

Today's consumers demand transparency and simplicity in their food products. The number of consumers interested in the contents of ingredient labels continues to climb, and they are looking for very specific information. According to the 2013 International Food Information Council "Health and Wellness" annual survey, 93 percent of consumers prefer to see familiar ingredients, such as eggs, on food labels.

A print and digital ad campaign launched in October will continue throughout 2014 in *Prepared Foods*, *Food Processing*, and *Food Technology* ingredient trade publications and digital advertising on those publications websites as well as [FoodNavigator-USA.com](#), [Bakeryandsnacks.com](#), [Foodproductdesign.com](#), and [Foodbusinessnews.net](#) promoting eggs as a familiar, trustworthy ingredient that can make a difference in the quality of packaged goods and consumer buying decisions.

This campaign will generate more than 665,000 impressions with the target audience of food manufacturers. Both the print and digital ads will contain links to access the digital version of "[The Egg & Clean Labeling](#)" white paper. On social media, this target audience will read these messages through Twitter and blog posts.

Elements of this surround-sound campaign include a white paper titled "The Egg & Clean Labeling" that outlines the relevance and importance of eggs in today's marketplace and their power to build trust with consumers. The white paper has been posted on [AEB.org/RealEggs](#).

In 2014, AEB will leverage video testimonials from food manufacturers who tried replacers but were disappointed with the results. Additional tactics for next year include:

- * Webinar showcasing how eggs contribute to clean labels
- * Web-based animated infographic
- * Press releases and social media
- * Additional white papers

All these efforts and those still in development reinforce that REAL eggs are valuable in meeting diverse formulation requirements, while providing the clean labels consumers insist on. It is important that food manufacturers understand that consumers will not purchase products made with synthetic egg replacers, and thus, they should not be considered for their food applications.

If you have any questions or comments, please do not hesitate to contact me.

Best,



President and CEO
American Egg Board

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This email was sent to deanhughson@gmail.com by jivy@aeb.org |
[Update Profile/Email Address](#) Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).
American Egg Board | 1460 Renaissance Drive | Park Ridge | IL | 60068

Reynolds, Leon - AMS

From: Jerry Wilkins (b) (6)
Sent: Thursday, December 19, 2013 2:17 PM
To: jivy@aeb.org; Joanne Ivy
Subject: RE: American Egg Board addresses Beyond Eggs

Great counter attack, Joanne! REAL Eggs will always prevail thanks to AEB's efforts! 😊

Jerry Wilkins

Rocky Mountain Eggs, Inc.

O: 970.785.2889

C: 303.946.5106

F: 970.785.6330

E: (b) (6)

www.RockyMountainEggs.com

www.MorningFresh.com

www.ColoradoEggProducers.com

From: jivy@aeb.org [mailto:jivy@aeb.org]
Sent: Wednesday, December 18, 2013 7:16 AM
To: Jerry Wilkins
Subject: American Egg Board addresses Beyond Eggs

Having trouble viewing this email? [Click here](#)

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* Additional white papers

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If you have any questions or comments, please do not hesitate to contact me.

Best,



President and CEO
American Egg Board

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American Egg Board | 1460 Renaissance Drive | Park Ridge | IL | 60068

Reynolds, Leon - AMS

From: Elisa Maloberti <EMaloberti@aeb.org>
Sent: Thursday, December 19, 2013 11:59 AM
To: John Howeth; John Howeth
Cc: Joanne Ivy; Mitch Kanter; Mia Roberts; Kevin Burkum; Joanne Ivy; Mia Roberts; Kevin Burkum
Subject: Egg Industry Campaign against Hampton Creek

FYI...
Elisa

December 19, 2013

<http://www.fooddive.com/news/egg-industry-fights-back-against-hampton-creek/207758/>

There's a brilliance about the Egg Board's approach that's worth noting. The board seems to have found a weakness in the media/tech/investing juggernaut that is Hampton Creek. And that weakness is that creating an egg alternative is complicated.

December 18, 2013

<http://www.buzzfeed.com/rachelysanders/egg-industry-campaign-against-hampton-creek?bftw=>

The American Egg Board is buying paid search terms against a buzzy new egg alternative company in a bid to protect its lucrative turf.

Elisa Maloberti | *Director of Egg Product Marketing*

American Egg Board

O 847.296.7043 | D 224.563.3711

PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068

AEB.org IncredibleEgg.org



The information provided in this email is confidential and proprietary to the American Egg Board.

The unauthorized use or disclosure is prohibited. If you have received this email in error, please advise the sender, and delete it from your computer.

Exhibit 28

Page 1 of 11



LOL win omg cute fail wtf

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FOOD

Egg Industry Declares War On Eggless Eggs

The American Egg Board is buying paid search terms against a buzzy new egg alternative company in a bid to protect its lucrative turf.

posted on Dec 16 2013, at 3:29 p.m



Rachel Sanders
BuzzFeed Staff

BuzzFeedNEWS

In The News Today

- Russia said it will withdraw most of its military from Syria, having completed its main goals in the war-torn country.
- Donald Trump said he doesn't take responsibility for violence at his rallies after a weekend of turmoil.
- The White House has appointed its first transgender LGBT liaison. Raffi Freedman-Gurspan will work on outreach efforts.

Get The News App



Courtesy of Hampton Creek Foods

Hampton Creek Foods, a tech-centric San Francisco food startup that develops plant-based egg replacement products, has attracted some very high-profile investors, including PayPal co-founder Peter Thiel, and lots of media attention in the past year. Enough attention, apparently, to make the old-fashioned, chicken-based egg establishment nervous: The American Egg Board's "Incredible, Edible Egg" campaign has begun running Google ads against search terms matching Hampton Creek Foods, their products, and even the name of an executive.

Josh Tetrick, the CEO of Hampton Creek, says that the company aims to poach industrial egg farmers' market share by engineering an array of products that can do everything eggs do, except better (and for less money). As *The Wall Street Journal's* Farhad Manjoo wrote in a [profile on the company](#), "Hampton Creek wants to 'surpass' the egg, to make eggless foods that taste better, are free of cholesterol, last longer on the shelf, are more ecologically sustainable and humane, and are far cheaper than their eggy counterparts."



How A Remote Idaho School Defends Itself

by Anne Helen Petersen

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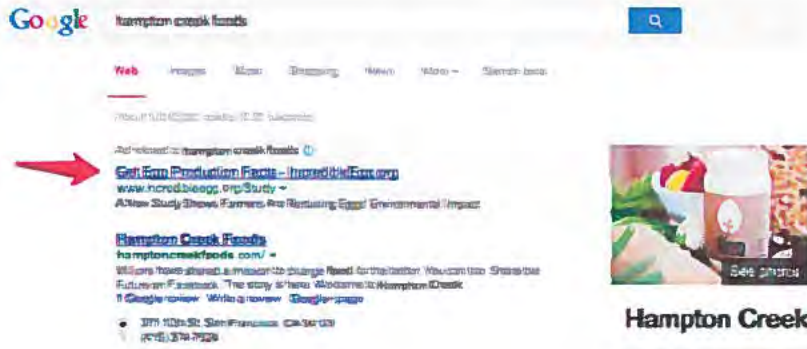
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Exhibit 28

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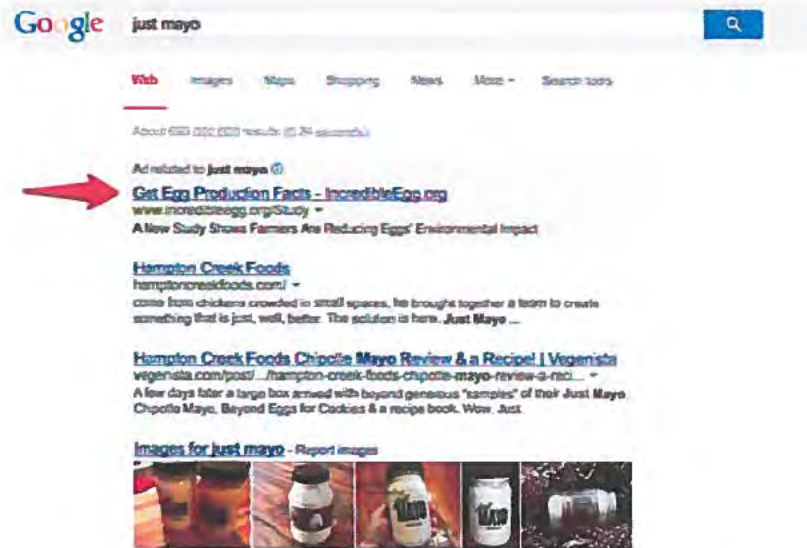
5 Insanely Delicious Chicken Soup Recipes You'll Want To Make Again And Again



How To Eat Healthier Without Even Noticing



14 Mouthwatering Reasons To Love Sausage



Nom or not?

"Most people just don't know where their chicken eggs come from," Tetrick told BuzzFeed in an email. "Birds crammed together in tight spaces shitting all over each other. It's gross. It's bizarre. And it's pretty bad for the environment, too. Reality just isn't aligned with the incredible edible egg anymore."

Hampton Creek has developed two consumer products so far: Just Mayo (which Whole Foods recently began selling) and Beyond Eggs, a powdered egg replacer made for baking cookies. Their third product, a liquid scrambled egg doppelgänger ("Just Scramble") is [in the works](#). So far, [reviews](#) are mainly positive.

"We think our model of affordable plants growing in open fields is just better for a growing world. And, yeah, we want the system of unsustainable chicken eggs to end," Tetrick said.

Now Buzzing

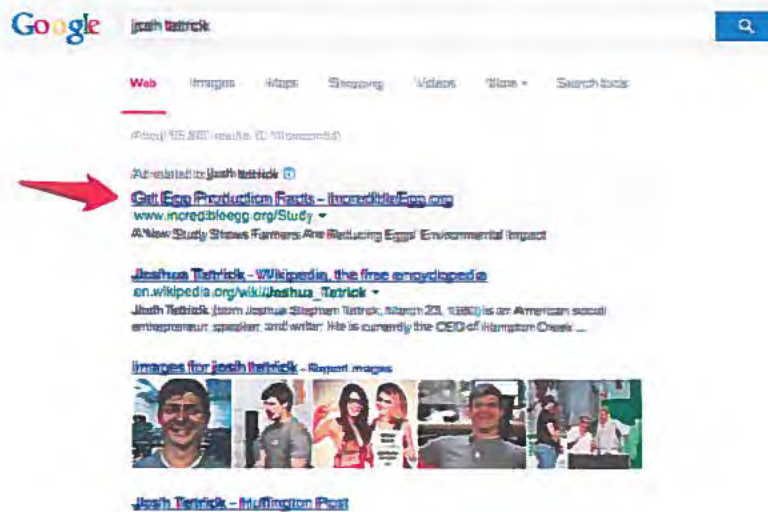


17 Pi Day Tweets That You'll Find Irrationally Funny



Exhibit 28

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The egg establishment, of course, has a different view than Tetrick.

"It is a huge threat the way they are publicizing Beyond Eggs to consumers," American Egg Board CEO Joanne Ivy [said in November](#), as reported by agriculture trade publication WATTAgNet.

The AEB's marketing counter-offensive is aimed squarely at consumers who might be made nervous by the multi-ingredient, tech-based approach Hampton Creek's products reflect.

"Consumers and food manufacturers want a clean label; with Beyond Eggs it will not be a clean label," Ivy said during a speech at the annual [United Egg Producers](#) meeting this fall. "Not with all of the ingredients it takes to make this product. We have developed a website and advertising campaign to address this."

The egg industry attack makes finding a marketing sweet spot for Hampton Foods more difficult, since the same consumers concerned about the dismal conditions of industrial-scale chicken farming might also view skeptically a tech-enhanced egg alternative, even if it costs less.



youtube.com

Exhibit 28

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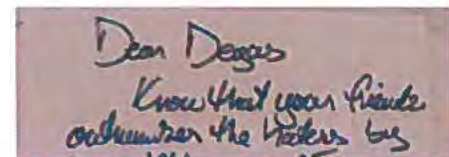
Gwyneth Paltrow Just Posted A \$200 Breakfast Smoothie Recipe On Her Website



I Quit Cheese For Two Weeks To Break My Addiction



17 Bras For Big Boobs That Are Pretty AF



A Young Man Who Was Called A Gay Slur At Work Just Got A Heartfelt Note From Justin Trudeau



We Made A Drinking Game For The Finale Of "The Bachelor", Good Luck



The "Xena: Warrior Princess" Reboot Might Actually Involve Xena And Gabrielle Getting It On



14 Unusual Foods That Only The Brave Should Try



Most of the search term-pegged Incredible Egg Google ads shown in this post were screenshots provided by Tetrick and taken on December 17; the same ads aren't currently showing up on searches, suggesting that the AEB may no longer be running them.

But a [WATTAgNet item](#) from almost two years ago, on the Egg Board's relaunch of their Incredible Egg campaign, confirms that paid search terms are part of their strategy: "New media marketing efforts range from the obvious such as online advertisements to the more subtle such as paid search terms. Paid search reaches consumers who are actively seeking information about eggs or healthy breakfast options."

Or, in this case, actively seeking information about egg alternatives.

The American Egg Board responded to BuzzFeed's request for comment, via their PR agency, with this statement:

"Synthetic plant-based egg replacers are not a novel concept; they have been around for years. And while we recognize the emergence of new egg replacement options, we believe strongly that, for a variety of reasons, the time-tested, all-natural egg remains the best option for consumers and food service companies alike." - Mitch Kanter, PhD., Executive Director of the Egg Nutrition Center"



Ads Settings

How we matched these ads

You searched for: beyond eggs

Hampton Creek Foods - hamptoncreekfoods.com
www.hamptoncreekfoods.com/
We're reinventing the egg for a better world

Search terms
This ad matches the exact search you entered: "beyond eggs"

Get The Facts About Eggs - incredibleegg.org
www.incredibleegg.org/Study
A New Study Shows Farmers Are Reducing Eggs' Environmental Impact

Search terms
This ad matches the exact search you entered: "beyond eggs"

Veganized! Is Egg-Free - Better Than Mayo
www.followyourheart.com/Veganize
Try Our Natural Vegan Dressing & Sandwich Spread

Search terms
This ad matches the exact search you entered: "beyond eggs"

More ▾



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I Tried To Quit Cheese And Failed Miserably

YOUR REACTION?



This Is What 23 Celebs From Your Childhood Are Apparently Worth Today



This Letter To J.K. Rowling From The Mother Of A Cancer Patient Is Extremely Moving



15 Breakfasts You Can Eat With One Hand When You're Running Late



Khloé Kardashian Has Inspirational Advice About Self-Care And Love



12 GIFs Of People Dancing Guaranteed To Brighten Your Day

More Buzz >

Exhibit 28

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16

4	3	2	1	1	1		
WIN	WTF	FAIL	LOL	OMG	EW	CUTE	YAAASS

REACT WITH GIF



Only Take This Poll If Your Baby's Still Awake At 3 A.M.

yawn Get some sleep help with JOHNSON'S® 3-step BEDTIME® Routine, the only clinically proven routine to help babies fall asleep up to 30% faster and stay asleep longer.

PROMOTED BY Johnson's Baby

MORE BUZZ



Egg-Ception

Minimalist Filigree Easter Egg
Here Is The Cadbury Creme Egg Beverage You Never Knew You Needed
Egg In The Nest

Tagged hampton creek foods, american egg board, beyond eggs, egg replacements, eggs, just mayo, just scramble, vegan eggs, vegan mayo

Facebook Conversations

17 Comments

Sort by Oldest



Add a comment...



Clark Oliver · Master Firefighter at Montgomery County (MD) Fire & Rescue
Our eggs come from the 11 pet chickens in our yard, so neither group likes us.

Like · Reply 21 Dec 18, 2013 1:49pm



Jonathan Scott Gilbert ·
I am a vegan and I respect how you get your eggs AND support your doing so.
We are all NOT the vegan taliban

Like · Reply 15 Dec 20, 2013 7:29am



Dina V Kale
Where did your 11 pet chickens come from? The problem with pet chickens is they're commonly a product of the egg industry that destroys male chicks at birth and their mothers endure cruel conditions their entire lives. I am grateful for the few who are rescued from farms. Eggs (aside from brain) are the most concentrated form of cholesterol on the planet. Far from a health food. If you're okay with eating rescued chickens periods, then so am I.

Like · Reply 9 Dec 21, 2013 9:11am



Taylor Claypool · Chef de Organais at Dupree Catering and Events
Dina OC Vegan-Kourda However, dietary cholesterol does not necessarily raise cholesterol levels in humans, nor is the the thing you should be afraid when reading labels. Trans and saturated fats are much more likely to raise serum cholesterol levels. They are also much more likely to increase one's risk of heart

Exhibit 28

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Exhibit 28

Page 7 of 11

Add Your Response

Text Image Video

(allowed html tags: <i>)

Exhibit 28

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Preview

Contributions



kavacca

about 7 years ago

It seems to me that Hampton Creek Foods is really on to something here! Ecological sustainability, humane, cost-effective... on my way to Whole Foods right now!



nomd

about 2 years ago

"Hampton Creek wants to 'surpass' the egg, to make eggless foods that...are free of cholesterol..." The cholesterol you consume in an egg does not actually increase the cholesterol levels in your blood. I thought everybody knew that by now.



Brian Cornell

about 7 years ago

wait why is there a picture of mayonnaise? theres not eggs in mayonnaise is there?



emilyo17

about 2 years ago

Homemade Mayo (Alton Brown)

Ingredients

1 egg yolk*

1/2 teaspoon fine salt

1/2 teaspoon dry mustard

2 pinches sugar

2 teaspoons fresh squeezed lemon juice

1 tablespoon white wine vinegar

1 cup oil, safflower or corn

Directions

In a glass bowl, whisk together egg yolk and dry ingredients. Combine lemon juice and vinegar in a separate bowl then thoroughly whisk half into the yolk mixture. Start whisking briskly, then start adding the oil a few drops at a time until the liquid seems to thicken and lighten a bit, (which means you've got an emulsion on your hands). Once you reach that point you can relax your arm a little (but just a little) and increase the oil flow to a constant (albeit thin) stream. Once half of the oil is in add the rest of the lemon juice mixture.

Continue whisking until all of the oil is incorporated. Leave at room temperature for 1 to 2 hours then refrigerate for up to 1 week.

Read more at: <http://www.foodnetwork.com/recipes/alton-brown/mayonnaise-recipe/index.html?oc=linkback>



Mozart The Cat

about 2 years ago

Yeah, you definitely don't want any poaching in the egg industry...ugh.

Exhibit 28

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Exhibit 28

Page 10 of 11

Food Dive

Egg industry fights back against Hampton Creek

By Paul Conley | December 19, 2013

Dive Brief:

Few companies attract as much positive press or as many high-profile investors as Hampton Creek. The company's efforts to replace eggs in food production has struck a chord with people who are worried about human health and animal cruelty, and with those who see opportunity in building an alternative food industry.

The folks at the American Egg Board have mounted an advertising and marketing campaign aimed at countering the buzz. The board has bought up keywords in search engines -- trying to drive people seeking people information about Hampton Creek and its backers to sites that sing the praises of old-fashioned chicken-based eggs.

The American Egg Board's strategy appears designed to raise questions in consumers' minds about the complicated processes and multiple ingredients that [Hampton Creek \(http://hamptoncreekfoods.com/\)](http://hamptoncreekfoods.com/) uses to make "Beyond Eggs," "Just Mayo" and "Eat the Dough."

Dive Insight:

There's a brilliance about the Egg Board's approach that's worth noting. The board seems to have found a weakness in the media/tech/investing juggernaut that is Hampton Creek. And that weakness is that creating an egg alternative is complicated. So consumers are being asked to choose between simple, but nasty and complex, but nice. We'll have to wait and see how it all shakes out. But we'll put our money on Hampton Creek. It remains [our favorite among the new techie-food companies. \(http://www.fooddive.com/news/hacked-food-5-futuristic-products-to-keep-an-eye-on-in-2014/203180/\)](http://www.fooddive.com/news/hacked-food-5-futuristic-products-to-keep-an-eye-on-in-2014/203180/)

Recommended Reading

Buzzfeed: [Egg Industry Declares War On Eggless Eggs \(http://www.buzzfeed.com/rachelysanders/egg-industry-campaign-against-hampton-creek?bftw=\)](http://www.buzzfeed.com/rachelysanders/egg-industry-campaign-against-hampton-creek?bftw=)

Top Image Credit: [Hampton Creek Foods \(https://www.facebook.com/photo.php?fbid=542257195797149&set=pb.250638958292309.-2207520000.1377105298.&type=3&theater\)](https://www.facebook.com/photo.php?fbid=542257195797149&set=pb.250638958292309.-2207520000.1377105298.&type=3&theater)

Exhibit 28
Page 11 of 11

Reynolds, Leon - AMS

From: John Howeth <JHoweth@aeb.org>
Sent: Monday, March 24, 2014 9:21 AM
To: Mitch Kanter; Joanne Ivy; Joanne Ivy
Cc: John Howeth; John Howeth
Subject: RE: Beyond Eggs
Attachments: Thoughts on Beyond Eggs.docx

Hi Mitch, per our earlier email, I put together this brief with the hopes of giving you something concise to work with. I may have missed a few points, please feel free to add to this document. Since you will probably be speaking to this at IEC, it may help us all to see your final document post-IEC so we're all preaching the same message.

Joanne, please add anything you think I've missed. Thanks.

John Howeth
VP, Foodservice & Egg Product Marketing
American Egg Board
1460 Renaissance Drive
Park Ridge, IL 60068
Office: 847.296.7043
Direct: 224.563.3705
www.AEB.org

From: John Howeth
Sent: Thursday, March 20, 2014 9:21 AM
To: Mitch Kanter
Subject: Beyond Eggs

Hi Mitch, I know you're real busy. I talked to Joanne and I'm putting together a write up on BE, I should have something for you tomorrow. It won't be everything you need but it should be pretty close. Let me know if you have any questions.

Sorry I missed you up here but Joanne said you had lot on your plate. Talk to you soon.

John Howeth
VP Foodservice & Egg Product Marketing
American Egg Board
[1460 Renaissance Drive](http://www.AEB.org)
[Park Ridge, IL 60068](http://www.AEB.org)
[Office: 847.296.7043](http://www.AEB.org)
www.AEB.org

Exhibit 29

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Thoughts on Beyond Eggs

Situation

Food manufacturers still consider eggs a staple ingredient in their product formulations because of their many functional properties; however, there are a range of egg replacer ingredients that are positioning themselves as alternatives for eggs because of price fluctuation, supply issues, allergy, and animal rights concerns. Beyond Eggs is just one of those replacers.

Objectives

AEB recognizes this threat and have implemented a strategic response campaign targeting food manufacturers, focusing on the benefits of using real eggs versus egg replacer ingredients. Our objectives are to:

- Convince food manufacturers to continue to use eggs within their formulations and be inspired to develop new products with egg ingredients.
- Drive them away from considering egg replacers, or at the very least, question the viability of that option.
- Want them to understand the breadth and versatility of eggs' functional aspects.

Strategy

Our basic strategy is to reiterate the positive qualities about eggs and to selectively utilize interviews and other media opportunities to maintain an incumbent position in the marketplace. Additionally, egg product marketing will continue to promote the Clean Label campaign.

Expert Opinions

Gil Leveille

- Focus on nutritional quality and on the emerging science, much of which ENC has sponsored.
- Their safety argument is moot from the perspective that most of the product applications would involve cooked products which would destroy any potential pathogen.

Tong Wang

- Using plant and legume proteins and protein concentrates as egg replacer formulation is not new. The use of **pea protein** products as egg replacer has been promoted by USA Dry Pea and Lentil Council (2013).
- Because of the versatile functional and nutritional properties of egg, it will be extremely difficult to fully replace egg in a food formulation without the accompanying product defect.
- By replacing egg with substitutes, only certain functionality of food may be met and the products may only be acceptable by a particular population of the consumers.

Dr. Shelly McKee

- Beyond Eggs' nutrient claims against eggs that eggs are high in sat fat, cholesterol and have a link to CVD shows lack of their knowledge in the areas they're trying to compete in.
- The nutritional profile of BE doesn't meet egg nutrition.
- Their formulation is fortified with vitamins and lecithin, and doesn't match protein quality of eggs.

Plans

Consumer Media

- Engage influential bloggers providing third-party recommendations to showcase the many benefits of eggs from nutrition, to environmental footprint, to animal care. By enlisting blogger advocates, we are able to reach consumers via outlets they implicitly trust and look to for information about foods they purchase for their families and recommend to friends, etc.
- Leveraging paid search on Google, Bing and Yahoo. When consumers search for terms related to Beyond Eggs, they will also see a link to [IncredibleEgg.org's section on the 50-Year Environmental Study](#).
- Using behavioral and content targeting, AEB will position links to positive egg industry information that users viewing content about Beyond Eggs will see.

Trade Media and Communications

AEB's strategic response campaign targets food manufacturers and highlights the benefits of using REAL eggs versus egg replacer ingredients. AEB's objectives are to:

- Educate this market about the breadth and versatility of eggs' functional aspects. Food manufacturers don't always realize that eggs are multi-functional performing several roles in food formulations. Without eggs, a more complex and lengthy ingredient statement occurs.
- Remind food manufacturers that today's consumers demand transparency and simplicity in their food products. The number of consumers interested in the contents of ingredient labels continues to climb. Ninety three percent of consumers prefer to see familiar ingredients, such as eggs, on food labels.

Specific tactics include:

- Developed a print and digital ad campaign that will continue throughout 2014 in the ingredient trade press promoting eggs as a familiar, trustworthy ingredient that can make a difference in the quality of packaged goods and consumer buying decisions.
- This campaign contains links to access the digital version of "[The Egg & Clean Labeling](#)" white paper that outlines the relevance and importance of eggs in today's marketplace and their power to build trust with consumers.
- Leverage video testimonials from food manufacturers who tried replacers but were disappointed with the results.
- Create a communication vehicle that discusses the many things to consider when thinking about changing from Real eggs to replacers (such as packaging and labeling expenses, sustainability and up to 20 additional features).

City: Park Ridge
State: IL

I, John Wesley HOWETH, being duly sworn on oath, make the following statement freely and voluntarily to Leon R. REYNOLDS who has identified himself to me as a Compliance Officer, with the Agricultural Marketing Service, USDA, knowing this statement may be used in evidence.

I am the Senior Vice President of Egg Product Marketing, American Egg Board (AEB) and started working for AEB in January 2, 2013. I am became the Senior Vice President of Egg Product Marketing in July 2014. My immediate supervisor was Joanne IVY, former President and CEO, AEB; until she retired in September 2015.

My duties and responsibilities include promoting eggs and egg products to the foodservice and food manufacturing industries.

To complete my duties and responsibilities I have a budget to work from. My budget derives from funds obtained from AEB checkoff funds. The AEB does not obtain any other funding besides checkoff funds and it has been this way since at least the three years I have been here. I have 10-12 budget codes for my area of responsibility. I am not sure what they are off the top of my head.

Since 2013, my annual budget for work under my duties and responsibilities has been approximately \$1,800,000 in 2013, \$3,000,000 in 2014 and \$4,000,000 in 2015. My budget is not the largest budget in AEB I believe the largest is Consumer Marketing which is headed by Keven BURKUM, Senior Vice President of Marketing, AEB.

The AEB employees under my immediate supervision are Elisa MALOBERTI, Director of Egg Product Marketing, AEB; and Amanda FRANCESE, Project Manager, AEB. MALOBERTI has worked for the AEB since I believe 1990 and her duties and responsibilities directing egg product marketing. She handles the food manufacturing side of the business. MALOBERTI has been under my supervision since I started working for AEB. FRANCESE was hired in November 2015.

As part of my duties and responsibilities I interact with Kenneth PAYNE, Director, Research and Promotion Division, Livestock, Poultry, and Seed Program (LPS) several times a week via email and once every two to three weeks via phone. I go to PAYNE for approval of marketing materials. I provide him the written document as we want to use it and he is aware of where and how we will use the document.

From my understanding PAYNE's duties and responsibilities included oversight of the AEB and he approved our material and reviewed our work. I know he is responsible to make sure we do not use any disparaging comments about any of the commodity boards he oversees. This is his role as it pertains to my area of responsibility.

My email address at AEB is jhoweth@aeb.org. No one has used my email address since I have been employed with AEB. I review and send emails coming to and leaving from this email address.

I am aware of the Federal regulations and information set forth in the Egg Research and Consumer Information Act. I am aware advertising, sales promotion, and consumer education plans or projects; prohibition on reference to private brand or trade name and use of unfair or deceptive acts or practices. Providing for the establishment, issuance, effectuation, and administration of appropriate plans or projects for advertising, sales promotion, consumer education and with respect to the use of eggs, egg products, spent fowl, and products of spent fowl, and for the disbursement of necessary funds for such purposes.

I am also aware no such advertising, consumer education, or sales promotion programs shall make use of unfair or deceptive acts or practices in behalf of eggs, egg products, spent fowl, or products of spent fowl or unfair or deceptive acts or practices with respect to quality, value or use of any competing product. I have been aware of this information since I started working for AEB.

The purpose of the AEB is to increase the demand for eggs and egg products on behalf of American farmers and represent the industry with integrity.

If I felt members of the Egg Board or the AEB staff conducted themselves in an inappropriate manner concerning the AEB's function as established through federal regulations I know I could contact my chain of command and if necessary the USDA, in particular PAYNE. No one has ever threatened me not to contact PAYNE or the USDA if I had a complaint.

I do not use Edelman to conduct work for my Program. Although I do not use their services I am copied on emails because I am a senior staff member. The contractors that I use are Quietlight Communications (advertising and promotion materials), Culinex (food development), Steve SOLOMON (he works with us on national accounts meaning chain accounts and food service), and Jerry SMILEY of Strategic Growth (research company) to name a few. I work with approximately 10 contractors in all that I pay through my budget.

Our business website is aeb.org. If someone used search terms for key traits on eggs and egg products it would refer them to the aeb.org website. Starcom, our media company, rents the words for us so when our words are searched aeb.org would appear. The words come from my team and our agencies. I have final approval of those words and the search is paid through my budget. In renting the words if someone were to use search engines to include Google, Bing or Yahoo aeb.org would appear because we rented the words through Starcom.

I started working with Starcom in 2014 during the first quarter meaning (January-April) in coordination with Consumer Marketing. Our goal was to create more awareness of the functionality of egg products. Eggs have over 20 functions and we wanted to make sure food manufacturers were aware of those functions. We had Starcom rent the words aeration, emulsification, adhesion, browning, moisture retention, and staling among others. There were

approximately twenty words in all but none of them had to do with Josh TETRICK, Owner of Hampton Creek and his products to include Beyond Eggs and Just Mayo.

I became aware of TETRICK right after I was hired to work for the AEB. TETRICK is not and has not been a member of the Egg Board because he's not an egg farmer. TETRICK is not a farmer. As part of my duties and responsibilities I do not interact with TETRICK. I have never spoken to him. As it relates to the egg industry I looked at TETRICK and his company to some degree as competing with the egg industry.

He made comments that were denigrating to the egg industry. I do not have copies of his comments. I saw them in trade publications in 2013 but I do not remember what publication they were. I heard this information was turned over to the law firm of McLeod, Watkinson and Miller some time in 2015 and I do not remember who I heard this from. I heard it was turned over to them as part of the USDA investigation.

I did receive and read an email from IVY dated August 20, 2013; with the subject Beyond Eggs in which she mentioned "...it would be a good idea if Edelman looked at this product as a crisis and a major threat to the future of the egg product business and provide some advice and input as to how we should address this situation." IVY also mentioned "What are we doing at AEB with regard to this competing product?? We need to have an answer!"

In response to this email I did some research by asking Strategic Growth Partners what information they knew about TETRICK's company and products. The purpose was to try and ascertain if TETRICK's company and products were a threat. My conclusion was they were not a threat. I did this in August 2013. This search did not cost any AEB checkoff funds. The information I obtained from Strategic Growth I presented it to an Egg Board meeting in March 2014. This meeting involved the complete Egg Board meaning all the members and the alternates.

I presented the information, I deemed TETRICK's company and products were not a threat and nothing occurred after that. There were no follow-up actions. IVY basically took over the situation, TETRICK's company and products, meaning she took over the relationship with Edelman.

I did send an email dated March 20, 2014 from me to Mitch KANTER, Executive Director, Egg Nutrition Center, AEB with the subject line "Beyond Eggs" telling KANTER I spoke to IVY and was putting together a write up for BE which stood for Beyond Eggs. I cannot remember the purpose of this email.

I did send an email dated March 24, 2014 to KANTER and IVY, with the subject line "Beyond Eggs" telling KANTER per our earlier email I put together a brief with hopes of giving him something concise to work with. The brief I wrote was titled "Thoughts on Beyond Eggs." In the brief I wrote under the Situation heading "...there are a range of egg replacer ingredients that are positioning themselves as alternatives for eggs because of price fluctuation, supply issues, allergy, and animal rights concerns. Beyond Eggs is just one of those replacers."

Under the Objective heading it stated "AEB recognizes this threat and have implemented a strategic response campaign targeting food manufacturers, focusing on the benefits of using real eggs versus egg replacer ingredients. Our objectives included driving food manufacturers away from considering egg replacers, or at the very least, question the viability of that option. Under Plans subtitle Consumer media I wrote "Leveraging paid search on Google, Bing and Yahoo. When consumers search for terms related to Beyond Eggs, they will also see a link to IncredibleEgg.org's section on the 50 -Year Environmental Study. Using behavioral and content targeting, AEB will position links to positive egg industry information that users viewing content about Beyond Eggs will see."

The information concerning leveraging the paid search on Google, Bing and Yahoo was information I got from whatever the consumer plans were. I wrote this information in this document but I was not responsible for leveraging the paid search. Consumer area is under BURKUM.

The purpose of this email and the attached brief was because it spoke about egg replacers and not Beyond Eggs. This document was to help KANTER understand our position with egg replacers.

I wrote this document but information under consumer media came from BURKUM. I do not have any idea if any AEB funds were expended for leveraging paid searches in the manner described or if behavioral and content targeting occurred. I do not know if using AEB funds for leveraging paid searches in this manner is appropriate. I do not have any knowledge of bloggers being used concerning TETRICK's company and products.

I do not believe I made PAYNE aware of this document and what I used it for. Any execution from these plans, with the exception of the Consumer Plans as that was not my responsibility. PAYNE would be made aware of any executions that came from this document.

The topic of TETRICK's company and products was discussed at AEB senior staff meetings which were held approximately once a month. The senior staff meaning me, IVY, BURKUM, KANTER, and Maria (Mia) ROBERTS, Vice President of Strategic Operations, AEB. This occurred from August 2013 to March 2015. The meetings were sporadic because of our travel schedules. What was discussed that I can remember was for my area it would have been replacers not necessarily TETRICK's company and products. There was concern from our producers on what we were going to do about TETRICK's company and products.

The only actions I can remember the AEB took concerning TETRICK's company and products was what was in the March 2014 document Thoughts on Beyond Eggs. The reason this topic was not discussed after March 2015 is because she did not have any further regularly scheduled staff meetings. To my knowledge TETRICK's company and products are still in business.

Besides the research of TETRICK's company and products I do not know of any other actions I took. I do not know if any AEB checkoff funds were used in response to actions against TETRICK and his products.

On January 9, 2014, received an email from BURKUM with the subject Eggs and RMO, which included a chain mail of other messages concerning Just Mayo and its labeling claims with FDA (United States Food and Drug Administration). In the email BURKUM sent to me, I responded to him by telling him I would review the information and discuss with him the next day. I also mentioned it seemed like a great opportunity to push back a little and get them on the defensive. The "them" I was referring to was Just Mayo and when I said pushing back I was referring to if we were to contact FDA reference to Just Mayo labelling claims.

In response to this email I did absolutely nothing because I did not think it was appropriate to contact FDA because it was not in our purview to do that. I am almost positive no one from the AEB contacted FDA.

I have not been involved in any action where AEB checkoff funds were used to influence government policy or action. I do not know anyone else who had.

On March 31, 2014, I sent an email to SMILEY with the subject line of Beyond Eggs Update and an attachment titled HamptonCreekPitchDeck. I mentioned in the email "I did not see any of the previous consultants we discussed on the list. See page 7."

I had also received an email from Andrew LIUZZI, who worked for Edelman, that included key takeaways, TETRICKS argument against the egg industry, his company's media and communications strategy and next steps.

As I previously mentioned SMILEY gave me information concerning TETRICK's company and products and in looking at the attachments I was letting him know I did not see the names of the consultants. He previously gave me a list of consultants and I did not see them on this list. The importance of the consultant's names was to try and understand their strategy. I did not know if they (TETRICK's company and products) were going to be a egg replacer or food service company.

I do not know where The HamptonCreekPitchDeck attachment was created I did not put it together.

The email from LIUZZI was for the purpose of letting AEB know about news articles.

I was not involved in any efforts to prevent Whole Foods from selling Just Mayo. I was not involved in AEB's efforts to become a member of the American Association for Sauce and Dressings (AASD). Becoming a member of the AASD was before I got here.

As it relates to AEB's response to TETRICK's company and product I do not have direct knowledge PAYNE was aware of AEB's response.

I believe an email went out, but I cannot remember for sure, that instructed us to delete emails concerning issues related to this investigation. I believe the email came from IVY.

I have read this statement consisting of six pages and have been given the opportunity to make additions or corrections. It is true, complete and correct to the best of my knowledge.
//////////////////////////////////////END OF STATEMENT//////////////////////////////////////

(b) (6)

John W. HOWETH

1/5/16
Date

Subscribed and Sworn to
before me this
5th day of January 2016

Leon R. Reynolds
Leon R. Reynolds
Compliance Officer
Agricultural Marketing Service
U.S. Department of Agriculture

Initials (b) (6)
Page 6 of 6

Exhibit 30
Page 6 of 6

Reynolds, Leon - AMS

From: John Howeth <JHoweth@aeb.org>
Sent: Wednesday, September 02, 2015 12:42 PM
To: Elisa Maloberti; Elisa Maloberti
Subject: Fwd: Salad Dressings

Call me. Cell.

John Howeth | *Senior Vice President, Foodservice & Egg Product Marketing*
American Egg Board
O 847.296.7043 | D 224.563.3705 | F 847.296.7007
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org

Begin forwarded message:

From: John Howeth <JHoweth@aeb.org>
Date: September 2, 2015 at 11:12:55 AM CDT
To: Joanne Ivy <Jivy@aeb.org>
Cc: John Howeth <JHoweth@aeb.org>
Subject: RE: Salad Dressings

We were requested by several further processors to look into the Association of Dressings & Sauces. We receive many requests to evaluate organizations like this. Once we did our due diligence, we realized they did lobbying which is beyond our mandate. We did not proceed further.

John Howeth | *Senior Vice President of Foodservice & Egg Product Marketing*
American Egg Board
O 847.296.7043 | D 224.563.3705 | F 847.296.7007
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org



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From: Joanne Ivy
Sent: Wednesday, September 2, 2015 11:08 AM
To: John Howeth
Subject: Salad Dressings

sam.thielman@theguardian.com

Joanne C. Ivy, CAE | *President & CEO*
American Egg Board
O 847.296.7043 | D 224.563.3701 | C 847.606.3166
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
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Exhibit 31

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incredible!



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Sotosky, Jeffrey - AMS

From: Howard Magwire <hmagwire@gmail.com>
Sent: Thursday, November 20, 2014 10:57 AM
To: Joanne Ivy; Joanne Ivy
Cc: Elisa Maloberti; Elisa Maloberti
Subject: Re: mayonnaise/salad dressing standards of identiy
Attachments: image007.png; image006.png; image001.png; image012.png; image011.jpg; image002.png; image005.png; image009.png; image008.png; image004.png; image003.png; image010.png

Joanne,

Great response! UEP probably is not interested in any more lawsuits, but they could approach FDA. Have you brought it up with Chad? Randy and Oscar have good contacts at FDA, including with Mike Taylor.

Howard

On Thu, Nov 20, 2014 at 10:52 AM, Joanne Ivy <JIvy@aeb.org> wrote:

Howard: I just got off the phone with a guy working with the Unilever case with Hampton Creek. He wanted me to say that we supported Unilever in this lawsuit against Hampton Creek, but I told him that we could not take a position. However, since the regulation requires egg in mayo and their product does not, I said that they should make sure that FDA is aware to address this situation. I feel sure they are aware, but maybe they need to be pushed. He also asked for a spokesperson and I said that we are not able to provide a spokesperson, but he may want to contact his egg supplier, because possibly someone with that company would be willing to talk about the benefits of real egg in mayo and false advertising with a none egg product. Just a thought. Joanne

Joanne C. Ivy, CAE | *President & CEO*

American Egg Board

O 847.296.7043 | D 224.563.3701 | C 847.606.3166

PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068

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From: Howard Magwire [mailto:hmagwire@gmail.com]
Sent: Thursday, November 20, 2014 9:41 AM
To: Elisa Maloberti
Cc: Joanne Ivy
Subject: Re: mayonnaise/salad dressing standards of identiy

Exhibit 32

Page 1 of 3

Elisa,

These products should not be called mayonnaise nor should it be implied that they are mayonnaise by shortening the the identity to just "mayo." I was pleased to see that Unilever is taking them on in this regard.

Howard

On Wed, Nov 19, 2014 at 3:18 PM, Elisa Maloberti <EMaloberti@aeb.org> wrote:

Hi Howard,

While looking at the standard of identity for Mayonnaise & Salad dressings, I noticed that they now both require egg ingredients.

Am I reading that correctly? We're trying to figure out how egg-less mayonnaise products are getting away with calling themselves mayonnaise.

Here's the link to CFR for Mayo & Salad Dressings. <http://www.ecfr.gov/cgi-bin/text-id.x?SID=ae5cb085b3ead834b5034f8e22e80a3e&node=21:2.0.1.1.41&rgn=div5#21:2.0.1.1.41.2.1.2>

Thanks in advance,

Elisa

Elisa Maloberti | *Director of Egg Product Marketing*

American Egg Board

☎ [847.296.7043](tel:847.296.7043) | 📠 [224.563.3711](tel:224.563.3711)

PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068

AEB.org | IncredibleEgg.org



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Sotosky, Jeffrey - AMS

From: Joanne Ivy <JIvy@aeb.org>
Sent: Friday, November 21, 2014 9:24 AM
To: Serena Schaffner; Serena Schaffner
Cc: John Howeth; Kevin Burkum; John Howeth; Kevin Burkum
Subject: Re: American Egg Board Follow Up
Attachments: image001.png; image002.png; image003.png; image004.png; image005.png; image006.png

Great. I just wanted to make sure you had what you needed. Your response is good -- and accurate! Thanks for handling.

Oh, I believe I mentioned in an email yesterday that the counsel from Unilever called. If not, I am mentioning it now. I believe I provided him some basic information that was helpful, but let him know that AEB cannot make statements that would support Unilever's position. Joanne

Sent from my iPhone

On Nov 21, 2014, at 9:18 AM, Serena Schaffner <sschaffner@aeb.org> wrote:

Thanks, Joanne, I think we have what we need for her. I just wanted to make sure that this version of Accept No Substitutes is the only version available and there isn't a longer version of it, etc. I'll send this response along and see if she continues to come back to us. Stay tuned!

Best,
Serena

Serena Schaffner | *Director of Marketing Communications*

American Egg Board

O 847.296.7043 | D 224.563.3710 | F 847.296.7007

PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068

IncredibleEgg.org AEB.org

<image001.png> <image002.png> <image003.png> <image004.png> <image005.png> <image006.png>
>

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From: Joanne Ivy
Sent: Thursday, November 20, 2014 8:07 PM
To: Serena Schaffner
Cc: John Howeth; Kevin Burkum
Subject: Re: American Egg Board Follow Up

Serena, I think your response sounds fine. It is accurate.

I am not sure if I understand the question ... confirm that this version is what there is? Do you mean is there an updated version of the piece or a campaign to go with it. I don't remember what campaign we ran at that time. John may remember. More recently, we never developed a specific campaign to address Beyond Eggs. We already developed or had plans to develop a campaign focusing on clean label, natural, real eggs, etc. We have never singled out Beyond Eggs. It has been positioned as one of many egg replacers.

John, can you provide additional information based on Serena's question?

Joanne

Sent from my iPhone

On Nov 20, 2014, at 4:26 PM, Serena Schaffner <sschaffner@aebo.org> wrote:

Hi all –

I wanted to pass along Candice's response to our answers about the Accept No Substitutes white paper. Candice clearly wants more of a connection as to whether or not we've revived the campaign to specifically address beyond eggs. I recommend that we continue to press the point that this is not novel and we've continued to work with manufacturers and food service people over the years to realize the benefits of all-natural eggs. I've drafted below, a response for your review – please let me know if there's any more historical background I should be adding.

In the meantime, *Joanne*, can you shed more light and confirm that this version of the Accept No Substitutes White Paper is what there is?

Thanks for the help!

-Serena

=====

Hi Candice –

Thanks for your follow up. The Accept No Substitutes white paper is available in its entirety online. As mentioned previously, synthetic plant-based substitutes have been around for a long time and therefore, we've continually worked with manufacturing and food service companies to answer their questions about all-natural eggs vs. replacers throughout the years. We're still committed to the viewpoint that all-natural eggs offer many benefits that other replacers, on their own, can't achieve.

Please let us know if you need anything else.

Best,
Serena

Serena Schaffner | *Director of Marketing Communications*

American Egg Board

O 847.296.7043 | D 224.563.3710 | F 847.296.7007
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
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<image006.png>

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From: Choi, Candice [<mailto:CChoi@ap.org>]
Sent: Thursday, November 20, 2014 8:35 AM

Exhibit 33

Page 2 of 4

To: Serena Schaffner
Subject: RE: American Egg Board Follow Up

Thanks, Serena. Do you have a copy of the original white paper?

Also, the "Accept No Substitute" campaign was recently revived, right?

Candice Choi
Associated Press
(212) 621-7267
450 W. 33rd St.
New York, NY 10001

From: Serena Schaffner [<mailto:sschaffner@aeb.org>]
Sent: Wednesday, November 19, 2014 9:33 PM
To: Choi, Candice
Subject: American Egg Board Follow Up

Hi Candice –

Thanks for contacting the American Egg Board. We wanted to get back to you on your questions about the Accept No Substitutes white paper. The piece was actually developed more than 10 years ago in response to food manufacturer and food service questions about the differences between using all-natural eggs vs. egg replacers.

Interestingly, synthetic plant-based egg replacers are not a novel concept and have been around for years. As is the perspective in the Accept No Substitute white paper, we still believe that the all-natural egg remains the best option for food companies – and consumers for that matter. Eggs can deliver all the functional benefits (emulsification, texture, volume, etc.) that no other commonly used replacer can on its own, while continuing to retain its taste and nutritional benefits, such as high-quality protein. Additionally, using eggs can contribute to an ingredient statement in packaged or processed foods that consumers are comfortable and familiar with.

We hope this helps answer your questions.

Best,
Serena

Serena Schaffner | *Director of Marketing Communications*

American Egg Board

O 847.296.7043 | D 224.563.3710 | F 847.296.7007
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org

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[IP_US_DISC]

msk dccc60c6d2c3a6438f0cf467d9a4938

Reynolds, Leon - AMS

From: Kevin Burkum <"/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=87F649DC733449F881B48A104D0D00CF-KBURKUM">
Sent: Wednesday, September 09, 2015 9:40 AM
To: Payne, Kenneth - AMS
Subject: FW: Eggs and GMO
Attachments: Just-Mayo-ingredients.jpg

Hello Kenny. Joanne mentioned a concern that USDA oversight was not aware of AEB's communication with Roger Glasshoff. The email below confirms that Emily DeBord was copied on the communication with Roger. Please let me know if you have any further questions.

Kevin Burkum | *Senior Vice President*

American Egg Board

O 847.296.7043 | D 224.563.3702 | F 847.296.7007
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org



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From: Kevin Burkum
Sent: Thursday, January 9, 2014 8:53 AM
To: 'Glasshoff, Roger - AMS'
Cc: DeBord, Emily - AMS; Joanne Ivy; Mitch Kanter
Subject: RE: Eggs and GMO

Hi Roger. I just saw this label for Just Mayo, a non-egg mayo, and they claim to be "non-GMO." If FDA doesn't permit this language, who can we alert regarding this "violation"?

Kevin Burkum | *Senior Vice President of Marketing*

American Egg Board

O 847.296.7043 | D 224.563.3702 | F 847.296.7007
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org



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From: Glasshoff, Roger - AMS [<mailto:Roger.Glasshoff@ams.usda.gov>]
Sent: Thursday, January 09, 2014 8:17 AM
To: Kevin Burkum
Cc: DeBord, Emily - AMS
Subject: RE: Eggs and GMO

Exhibit 34

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Kevin, based upon recent discussions with the Food and Drug Administration, use of the terminology "Non-GMO (non-genetically modified organism)" is not permitted on food and processed food products. The FDA does not recognize processed food products, such as shell eggs, as an organism. Therefore, the FDA policy for use of such terminology on a processed food product must state "not genetically engineered." At this time, FDA could not identify all genetic markers that may appear in animals slaughtered for food or food products of animal origin. The egg industry may consider working with the breeders to develop a consensus declaration that, historically, various breeds of layer hens have evolved through selective breeding (hybridizing) without genetic engineering. This information could be presented to FDA for review and comment. I am not aware of any scientific research testing eggs for genetic markers.

If you have any questions, please contact me.

From: Kevin Burkum [<mailto:KBurkum@aeb.org>]
Sent: Tuesday, January 07, 2014 4:33 PM
To: Glasshoff, Roger - AMS
Cc: DeBord, Emily - AMS
Subject: Eggs and GMO

Hi Roger. Joanne Ivy asked me to reach out to determine if the egg industry can claim that eggs are GMO-free on our egg cartons. Please advise, thanks.

Kevin Burkum | *Senior Vice President of Marketing*

American Egg Board

O 847.296.7043 | D 224.563.3702 | F 847.296.7007
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org

Incredible!



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Exhibit 34

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PRODUCT DESCRIPTION:

Just Mayo™ is an egg-free mayo made with Beyond Eggs™ an all-natural, plant-based ingredient.

INGREDIENT STATEMENT:

Expeller-Pressed Canola Oil, Filtered Water, Lemon Juice, White Vinegar, 2% or less of the following: Organic Sugar, Salt, Apple Cider Vinegar, Pea Protein, Spices, Garlic, Modified Food Starch, Beta-Carotene

LABELING & CERTIFICATIONS:

- Non-GMO
- Vegan
- Cholesterol-Free
- Egg-Free
- Dairy-Free
- Soy-Free
- Lactose-Free
- Gluten-Free
- No artificial colors or flavors
- Kosher

ANALYTICAL DATA:

Titratable Acidity (%) 0.40 - 0.45
 Salt (%) 1.15 - 1.25
 pH 2.7 - 3.5
 Brookfield, TD spindle, 5 rpm 90,000 - 180,000 cP

Exhibit 34

Page 3 of 3

PACKAGING:

12/16-oz jars, 4/1-gallon plastic jugs, 4-gallon bucket, 5-gallon pail, 200 count/12-gram portion pack*

*available Q3 2013

SHELF LIFE & STORAGE:

120 days refrigerated.

**NUTRITIONAL INFORMATION:
(PER SERVING)**

Nutrition Facts	
Serving Size 1 Tablespoon (14g)	
Amount Per Serving	
Calories 90	Calories from Fat 90
%Daily Value	
Total Fat 11g	17%
Saturated Fat 1g	5%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 65mg	3%
Total Carbohydrate 0g	0%
Dietary Fiber 0g	0%
Sugars 0g	
Protein 0g	
Vitamin A 0%	Vitamin C 0%
Calcium 0%	Iron 0%

Reynolds, Leon - AMS

From: John Howeth <JHoweth@aeb.org>
Sent: Thursday, January 09, 2014 1:25 PM
To: Kevin Burkum; Kevin Burkum
Cc: Joanne Ivy; John Howeth; Joanne Ivy; John Howeth
Subject: RE: Eggs and GMO

Hi Kevin, let me review and I'll stop by tomorrow to discuss. Thanks for the input, seems like a great opportunity to push back a little and get them on the defensive.

John Howeth
VP, Ingredient & Commercial Marketing
American Egg Board
1460 Renaissance Drive
Park Ridge, IL 60068
Office: 847.296.7043
Direct: 224.563.3705
www.AEB.org

From: Kevin Burkum
Sent: Thursday, January 09, 2014 11:37 AM
To: John Howeth
Cc: Joanne Ivy
Subject: FW: Eggs and GMO

Hi John. Please see email trail below regarding challenging Just Mayo's labeling claims with FDA. Happy to discuss further if you have any questions.

Kevin Burkum | *Senior Vice President of Marketing*

American Egg Board
O 847.296.7043 | D 224.563.3702 | F 847.296.7007
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org



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From: Joanne Ivy
Sent: Thursday, January 09, 2014 11:34 AM
To: Kevin Burkum
Cc: Mitch Kanter
Subject: RE: Eggs and GMO

Yes, let's forward this information to John. Cc me. It also does not meet the standard of identify for mayonnaise. I realize they call it Mayo. And, there are a few other things that is misleading, which I think can be challenged. Joanne

Joanne C. Ivy, CAE | *President & CEO*
American Egg Board
O 847.296.7043 | D 224.563.3701 | C 847.606.3166
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org

Exhibit 35

Page 1 of 4

Incredible!



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From: Kevin Burkum
Sent: Thursday, January 09, 2014 11:29 AM
To: Joanne Ivy
Cc: Mitch Kanter
Subject: RE: Eggs and GMO

OK. I'm guessing this is something John's team may want to take the lead on?

Kevin Burkum | *Senior Vice President of Marketing*

American Egg Board

O 847.296.7043 | D 224.563.3702 | F 847.296.7007
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org



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From: Joanne Ivy
Sent: Thursday, January 09, 2014 11:24 AM
To: Kevin Burkum
Cc: Mitch Kanter
Subject: RE: Eggs and GMO

Okay, let's do it, but I have more concerns. Let's discuss first.

Joanne C. Ivy, CAE | *President & CEO*

American Egg Board

O 847.296.7043 | D 224.563.3701 | C 847.606.3166
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org



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From: Kevin Burkum
Sent: Thursday, January 09, 2014 10:51 AM
To: Joanne Ivy; Mitch Kanter
Subject: FW: Eggs and GMO

See Roger's note below.

Kevin Burkum | *Senior Vice President of Marketing*

American Egg Board

O 847.296.7043 | D 224.563.3702 | F 847.296.7007
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
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Exhibit 35

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From: Glasshoff, Roger - AMS [<mailto:Roger.Glasshoff@ams.usda.gov>]
Sent: Thursday, January 09, 2014 10:21 AM
To: Kevin Burkum
Subject: RE: Eggs and GMO

I would forward the information to the FDA District Office responsible for the location where the product was marketed. I believe that many labels currently in commerce do not comply with FDA's labeling policy. FEDEA needs to issue a notice to the industry as the terminology "non-GMO" is utilized throughout the food industry. In fact, I believe that the organic producers assume that all certified product can be declared "non-GMO." I understand that FSIS, USDA, is currently discussing the labeling of organic beef as "non-GMO" with the National Organic Program, AMS.

From: Kevin Burkum [<mailto:KBurkum@aeb.org>]
Sent: Thursday, January 09, 2014 9:53 AM
To: Glasshoff, Roger - AMS
Cc: DeBord, Emily - AMS; Joanne Ivy; Mitch Kanter
Subject: RE: Eggs and GMO

Hi Roger. I just saw this label for Just Mayo, a non-egg mayo, and they claim to be "non-GMO." If FDA doesn't permit this language, who can we alert regarding this "violation"?

Kevin Burkum | *Senior Vice President of Marketing*

American Egg Board

O 847.296.7043 | D 224.563.3702 | F 847.296.7007
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org



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From: Glasshoff, Roger - AMS [<mailto:Roger.Glasshoff@ams.usda.gov>]
Sent: Thursday, January 09, 2014 8:17 AM
To: Kevin Burkum
Cc: DeBord, Emily - AMS
Subject: RE: Eggs and GMO

Kevin, based upon recent discussions with the Food and Drug Administration, use of the terminology "Non-GMO (non-genetically modified organism)" is not permitted on food and processed food products. The FDA does not recognized processed food products, such as shell eggs, as an organism. Therefore, the FDA policy for use of such terminology on a processed food product must state "not genetically engineered." At this time, FDA could not identify all genetic markers that may appear in animals slaughtered for food or food products of animal origin. The egg industry may consider working with the breeders to develop a consensus declaration that, historically, various breeds of layer hens have evolved through selective breeding (hybridizing) without genetic engineering. This information could be presented to FDA for review and comment. I am not aware of any scientific research testing eggs for genetic markers.

If you have any questions, please contact me.

Exhibit 35

Page 3 of 4

From: Kevin Burkum [<mailto:KBurkum@aeb.org>]
Sent: Tuesday, January 07, 2014 4:33 PM
To: Glasshoff, Roger - AMS
Cc: DeBord, Emily - AMS
Subject: Eggs and GMO

Hi Roger. Joanne Ivy asked me to reach out to determine if the egg industry can claim that eggs are GMO-free on our egg cartons. Please advise, thanks.

Kevin Burkum | *Senior Vice President of Marketing*

American Egg Board

O 847.296.7043 | D 224.583.3702 | F 847.296.7007
PO Box 798, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org



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City: Washington
State: DC

I, Paul David SAUDER, being duly sworn on oath, make the following statement freely and voluntarily to Leon R. REYNOLDS and Jeffrey SOTOSKY who have identified themselves to me as a Compliance Officers, with the Agricultural Marketing Service, USDA, knowing this statement may be used in evidence.

I am the Chairman of the Egg Board in March of 2014. I have been on the Egg Board for approximately 25 years. I have been on the Executive Committee of the Egg Board since 2010 or 2011. I have served on the Executive Committee as the Secretary, Treasurer and now Chairman. The term to serve on the Executive Committee is 6 years.

My duties and responsibilities as the Chairman of the Egg Board include running the Board meetings, I approved the reimbursable travel and expenses of the President and Chief Executive Officer (CEO) of the American Egg Board (AEB). As part of my duties and responsibilities I communicated with the CEO of the AEB. The President/CEO of AEB was Joanne IVY until she retired in September 2015. I do not have direct day-to-day oversight of the AEB staff in Park Ridge, IL. The only time I had direct day-to-day oversight of AEB was when IVY retired as the President/Chief Executive Officer of AEB which was September 15, 2015 to January 19, 2016.

The duties and responsibilities of the Executive Committee of the Egg Board include approving motions from the different committees within the Egg Board and approving the budget for AEB. The CEO manages the approved budget from the Egg Board.

The purpose of the Egg Board and the AEB is to increase the demand of eggs and egg products.

Kenneth PAYNE, Director, Research and Promotion Programs, Livestock, Poultry and Seed (LPS) comes to all of our Executive Committee meetings since he became responsible for oversight of the Egg Board. Emily DEBORD and Angie SNYDER from the USDA also attended our Executive Committee meetings when they had oversight of the Egg Board.

I am aware of the Federal regulations and information set forth in the Egg Research and Consumer Information Act, sometimes referred as the Act and I am familiar with the Orders.

The AEB derives its funding from checkoff funds from Egg Farmers and \$100,000 comes from an organization within Canada and is used for research relating to eggs.

I became aware of Josh TETRICK, Owner of Hampton Creeks and products to include Just Mayo and Beyond Eggs when IVY brought this to my attention when there was a FOIA request in approximately March 2015. TETRICK is not a member of the Egg Board.

I was shown an email dated December 16, 2013 from IVY to me with the subject Beyond Eggs Budget. The email was sent to my email address which is pauls@saudereggs.com. I do not recall receiving this email nor do I remember sending a response email from my email address on the same day. At that time I did not associate TETRICK and Beyond Eggs as being together.

The way I viewed TETRICK's company and products to include Just Mayo and Beyond Eggs is any time there is an attack on the egg industry and the egg itself and from any entity I feel it is the responsibility of the Egg Board to defend eggs and egg products by promoting eggs through positive messages. My defending was through a USDA approved communications. At no time did AEB directly attack TETRICK and Beyond Eggs with any messages.

We, the Executive Committee, approved funding for special projects for messaging for eggs in 2014 and 2015. The projects directed Edelman to disseminate positive messages about egg and egg products which were approved by the USDA oversight which was DEBORD or PAYNE. This messaging was to go out nationally and was not intended specifically attack the areas containing TETRICK's company and products. The messaging was for any attack in response to eggs and egg products. I do not recall the amount of the funding. There should be a motion in the Executive Committee minutes.

Anytime there is an attack on eggs and egg products we need to respond. TETRICK's products and statements were an attack on the egg industry. We have the responsibility to respond to put out positive messages about eggs and egg products. The Act authorizes AEB to respond to attacks on the industry by disseminating positive messages. From an egg farmer paying into the Egg Board we pay into it to promote eggs and egg farmers. I saw TETRICK's products as hurting demand for egg products.

PAYNE never came to me concerning the email between IVY and ZOLEZZI in which they discussed having JUST Mayo not be on the shelves of Whole Foods. Prior to the public charge by Hampton Creek against AEB I was not aware of the actions AEB took in response to TETRICK his company or products including a word search in that if someone searched on the internet for TETRICK's company or products information in reference to the Incredible Egg or AEB would appear. I was not aware of ZOLEZZI before I saw the complaint that become public as a result of the FOIA request.

We approved funding for the messages but not the messages. I am not saying we never see the messages before they go public but we have not seen them before they went to the USDA. When the messages go to AEB we being me and Executive Board do not know where the message goes from there.

I do not remember IVY or anyone from AEB discussing with me TETRICK, his company or products at any other time besides the budget approval and when the issue became public.

I was not involved in AEB's discussions concerning contacting the United States Food and Drug Administration (FDA) but I was aware of an email IVY received from Kraft foods after the complaint that became public after the FOIA request. IVY responded to Kraft that AEB could not contact respond to FDA. The issue was over the definition of mayonnaise that mayonnaise must have eggs in it. I cannot remember if my knowledge of IVY's response was before or after the FOIA request.

I was not involved in AEB trying to become a member of the American Association for Sauce and Dressings.

I was not in contact with anyone from the USDA concerning TETRICK, his company and products; to include Anne ALONZO who was the USDA AMS Administrator, Sara ECKHOUSE, Chief of Staff, AMS; Rex BARNES, who was the Associate Administrator, Dr. Craig MORRIS, Deputy Administrator Livestock, Poultry and Seed, AMS,; or Sonja JIMINEZ, Deputy Administrator, Compliance and Analysis.

I was shown an email dated December 6, 2013 from IVY to me, Roger DEFFNER, Chairman of the Egg Board; Greg HERBRUCK, Blair VAN ZETTEN, Pat STRONGER, Andrew REICHMAN and Chris PIERCE with the subject Meeting with Tom Hall Update. I do not remember this email.

I have read this statement consisting of three pages and have been given the opportunity to make additions or corrections. It is true, complete and correct to the best of my knowledge.

//////////////////////////////////////END OF STATE (b) (6)

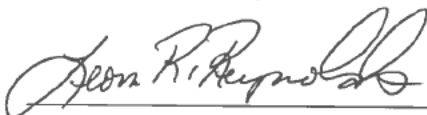
[Redacted signature area]

Paul David SAUDER

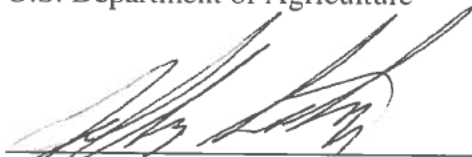
2/1/16

Date

Subscribed and Sworn to
before me this
1st day of February 2016



Leon R. Reynolds
Compliance Officer
Agricultural Marketing Service
U.S. Department of Agriculture



Jeffrey SOTOSKY
Compliance Officer
Agricultural Marketing Service
U.S. Department of Agriculture

(b) (6)

Reynolds, Leon - AMS

From: Joanne Ivy <JIvy@aeb.org>
Sent: Monday, December 09, 2013 10:55 AM
To: Mia Roberts
Cc: John Howeth; Kevin Burkum; Mitch Kanter; John Howeth; Kevin Burkum
Subject: Why I Farm

Thanks Mia for pulling together this deck as it is an excellent starting point for this project. I think we need a meeting to discuss with the Executive Marketing Committee along with Kristin and Ashley. I will schedule a 1 hour meeting for this afternoon for this project and to review what we are doing to promote the environmental footprint study and to address Beyond eggs.

Regarding the Why I Farm deck, I have just a few comments and points for consideration.

- * I would only use actual egg farmers for the interviews -- not individuals who work for an egg farmer, particularly a nonfamily company. There are a few on the list.
- * A few of the objectives are repetitive, just stated in a different way, which is okay since this document is only being used in-house.
- * It says no scripted "key messages." However, it would be an excellent opportunity to make sure they touch on the some of the key messages said in their own words -- particularly info from the Environmental Footprint study and addressing Beyond Eggs.
- * We need to be careful how we 'fight back' against Beyond Eggs. I do not think we need to mention Beyond Eggs by name, but we can mention that egg farmers produce a natural, REAL food, with the highest quality protein and not a synthetic egg product that is being produced in laboratories -- or something like that.
- * Explaining modern egg farming ties in directly with the Environmental Study. Another opportunity to tell their story.
- * Another point, US egg farmers produce enough eggs to feed 100% of US consumers. (Consumers eat all US-produced eggs not eggs from Mexico, Canada, exported eggs.)
- * I think the most important point is environmental footprint study -- number 1, which can cover some points addressing Beyond Eggs. GEP/hunger relief should be secondary based on research that shows donating eggs, etc is not of top importance when consumers think about the image of an egg farmer.
- * yes! the term "factory farm" can easily be addressed to show that egg farms are not factory farms.

I think this is an excellent project. It just needs some discussion and work to maximize effectiveness. Hold 2:30 pm today. I will send meeting invite when I get to office.

Sent from my iPad

Exhibit 37

Page 1 of 1

Reynolds, Leon - AMS

From: Joanne Ivy <JIvy@aeb.org>
Sent: Monday, December 16, 2013 10:01 AM
To: Roger Deffner; Greg Herbruck; Blair VanZetten; Paul Sauder; Pat Stonger; Andrew Reichman; Chris Pierce
Subject: Fwd: Beyond Eggs Budget
Attachments: Dec-Jan Beyond Eggs Budget.xlsx; ATT00001.htm

To Executive Committee: As you are aware, Beyond Egg has received a lot of publicity lately, mainly because of the partnership with Bill Gates. I am attaching a budget to address this situation. We do not have a budget at this time; however, we went ahead with a few activities because of timeliness, but we feel we need to have a budget to not only respond when appropriate, but also be on the offense and not the defense.

Kevin, Mitch, and I have carefully reviewed and tweaked the attached budget for your consideration. We have sufficient funds to cover this program budget in the Special Projects budget. We feel this matter is not going away, and we must address this situation on behalf of the egg industry. This budget is in addition to the Clean Label campaign and other initiatives also underway directly targeting food manufacturers, which is being covered in the Egg Products budget.

We have been trying to prevent or neutralize the negative coverage on the egg industry in business trade press such as Forbes, Wall Street Journal, etc. Last week, Mitch was our spokesperson for an AP story, which got considerable pick up. Mitch has done an excellent job as our spokesperson. We also drafted letters to WSJ and Huffington Press for Bob Krouse as an egg farmer to address the attacks on the egg farmer and egg production. Bob was also interviewed by 17 consumer publications last week to address the Environmental Footprint study and answer questions on the egg industry. They went very well.

I would appreciate your response ASAP on this budget for \$59,500 to address the Beyond Eggs situation from Special Projects. If you approve, simply respond with YES. If you have any questions, please let me know.
Joanne

Exhibit 38

Page 1 of 2

Beyond Eggs
2013 Budget Estimate

	Fee	Expense	Total	Notes
Beyond Eggs Outreach	\$43,000.00	\$16,500.00	\$59,500.00	
WSJ and HuffPo Letters to the Editor	\$5,500.00	\$0.00	\$5,500.00	Fee includes strategic counsel to date, drafting, editing, submitting and follow up of (2) Letters to the Editor submissions to WSJ and Huffington Post
Media Relations, Monitoring and Follow-Up	\$10,000.00	\$0.00	\$10,000.00	Fee includes real-time response to Beyond Eggs coverage; following up with top 25 print food, features and health reporters (75+ reporters); ongoing media monitoring and reporting; drafting proactive/reactive statements, coordinating potential interviews (For December and January)
Blogger Relations	\$18,000.00	\$15,000.00	\$33,000.00	Fee includes research and negotiations with 5-10 key influential bloggers in food, tech and health/nutrition space, drafting key messaging and coordinating posts.
Ongoing Strategic Counsel	\$7,000.00	\$1,500.00	\$8,500.00	Fee includes ongoing strategic counsel (through end of Dec) <i>PLEASE NOTE: \$3K in fee has already been logged to date</i> OOPS includes miscellaneous administrative expenses
Paid Search/Outbrain	\$2,500.00	\$0.00	\$2,500.00	Fee includes coordination with Starcom, reviewing content and providing links (assumes Outbrain/Paid Search fees to come out of AEB/Starcom budget)

Exhibit 38

Page 2 of 2

Reynolds, Leon - AMS

From: Roger Deffner <RogerD@natlfood.com>
Sent: Monday, December 16, 2013 3:38 PM
To: Joanne Ivy; Joanne Ivy
Subject: RE: Beyond Eggs Budget

Joanne,

I am fine with this expenditure, but am also wondering if we as an Industry are more focused on this item than the general public.

Roger Deffner

Vice President
National Food Corporation
Direct: 425-407-6228

From: Joanne Ivy [<mailto:JIvy@aeb.org>]
Sent: Monday, December 16, 2013 7:01 AM
To: Roger Deffner; Greg Herbruck; Blair VanZetten; Paul Sauder; Pat Stonger; Andrew Reichman; Chris Pierce
Subject: Fwd: Beyond Eggs Budget

To Executive Committee: As you are aware, Beyond Egg has received a lot of publicity lately, mainly because of the partnership with Bill Gates. I am attaching a budget to address this situation. We do not have a budget at this time; however, we went ahead with a few activities because of timeliness, but we feel we need to have a budget to not only respond when appropriate, but also be on the offense and not the defense.

Kevin, Mitch, and I have carefully reviewed and tweaked the attached budget for your consideration. We have sufficient funds to cover this program budget in the Special Projects budget. We feel this matter is not going away, and we must address this situation on behalf of the egg industry. This budget is in addition to the Clean Label campaign and other initiatives also underway directly targeting food manufacturers, which is being covered in the Egg Products budget.

We have been trying to prevent or neutralize the negative coverage on the egg industry in business trade press such as Forbes, Wall Street Journal, etc. Last week, Mitch was our spokesperson for an AP story, which got considerable pick up. Mitch has done an excellent job as our spokesperson. We also drafted letters to WSJ and Huffington Press for Bob Krouse as an egg farmer to address the attacks on the egg farmer and egg production. Bob was also interviewed by 17 consumer publications last week to address the Environmental Footprint study and answer questions on the egg industry. They went very well.

I would appreciate your response ASAP on this budget for \$59,500 to address the Beyond Eggs situation from Special Projects. If you approve, simply respond with YES. If you have any questions, please let me know.
Joanne

Exhibit 39

Page 1 of 1

Reynolds, Leon - AMS

From: Joanne Ivy <Jivy@aeb.org>
Sent: Monday, December 16, 2013 12:16 PM
To: Greg Herbruck
Cc: Roger Deffner; Blair VanZetten; Paul Sauder; Pat Stonger; Andrew Reichman; Chris Pierce
Subject: Re: Beyond Eggs Budget

Thanks

Sent from my iPhone

On Dec 16, 2013, at 12:15 PM, "Greg Herbruck" <GHerbruck@herbrucks.com> wrote:

Joanne. I vote YES!

Sent from my iPhone

On Dec 16, 2013, at 9:01 AM, "Joanne Ivy" <Jivy@aeb.org> wrote:

To Executive Committee: As you are aware, Beyond Egg has received a lot of publicity lately, mainly because of the partnership with Bill Gates. I am attaching a budget to address this situation. We do not have a budget at this time; however, we went ahead with a few activities because of timeliness, but we feel we need to have a budget to not only respond when appropriate, but also be on the offense and not the defense.

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I would appreciate your response ASAP on this budget for \$59,500 to address the Beyond Eggs situation from Special Projects. If you approve, simply respond with YES. If you have any questions, please let me know. Joanne

Total Control Panel

To: gherbruck@herbrucks.com [Remove](#) this sender from my allow list
From: jivy@aeb.org

You received this message because the sender is on your allow list.

<Dec-Jan Beyond Eggs Budget.xlsx>

Exhibit 40
Page 2 of 2

Reynolds, Leon - AMS

From: Joanne Ivy <Jivy@aeb.org>
Sent: Monday, December 16, 2013 11:25 AM
To: Blair Van Zetten
Cc: Roger Deffner; Greg Herbruck; Paul Sauder; Pat Stonger; Andrew Reichman; Chris Pierce
Subject: Re: Beyond Eggs Budget

Thanks Blair.

Sent from my iPad

On Dec 16, 2013, at 11:19 AM, "Blair Van Zetten" <bvanzetten@oskyfoods.com> wrote:

Joanne I vote yes.

Sent from my iPhone

On Dec 16, 2013, at 10:03 AM, "Joanne Ivy" <Jivy@aeb.org> wrote:

To Executive Committee: As you are aware, Beyond Egg has received a lot of publicity lately, mainly because of the partnership with Bill Gates. I am attaching a budget to address this situation. We do not have a budget at this time; however, we went ahead with a few activities because of timeliness, but we feel we need to have a budget to not only respond when appropriate, but also be on the offense and not the defense.

Kevin, Mitch, and I have carefully reviewed and tweaked the attached budget for your consideration. We have sufficient funds to cover this program budget in the Special Projects budget. We feel this matter is not going away, and we must address this situation on behalf of the egg industry. This budget is in addition to the Clean Label campaign and other initiatives also underway directly targeting food manufacturers, which is being covered in the Egg Products budget.

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I would appreciate your response ASAP on this budget for \$59,500 to address the Beyond Eggs situation from Special Projects. If you approve, simply respond with YES. If you have any questions, please let me know. Joanne

<Dec-Jan Beyond Eggs Budget.xlsx>

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Reynolds, Leon - AMS

From: Joanne Ivy <JIvy@aeb.org>
Sent: Monday, December 16, 2013 10:41 AM
To: Paul Sauder
Cc: Roger Deffner; Greg Herbruck; Blair VanZetten; Paul Sauder; Pat Stonger; Andrew Reichman; Chris Pierce
Subject: Re: Beyond Eggs Budget

Thanks Paul for your quick YES vote.

Yes, we saw the Dr. Oz segment. He is a fantastic advocate for eggs. We will see how we can use that information. It is great having someone of his credibility speaking positively about eggs. And, it is even better that AEB is not partnering with him as it comes across as very believable as a third party endorsement -- and not paid by a sponsor!

We realize we need to fight back. Media is much more interested in Beyond Eggs and Gates than the egg industry story. I have already challenged staff and Edelman with attacking this situation, thus the budget, but I will relate your sentiments. Thanks Paul for your thoughts. I do not take them lightly! Joanne

Sent from my iPad

On Dec 16, 2013, at 10:22 AM, "Paul Sauder" <pauls@saudereggs.com> wrote:

Hi Joanne

Yes to the budget. My question is there anything more we could do with a bigger budget. We are having one of the best demand times for eggs and Dr Oz comment on his Dec. 11th show named eggs as the best health food for 2013. We need to fight back !!!

Paul

On Mon, Dec 16, 2013 at 10:00 AM, Joanne Ivy <JIvy@aeb.org> wrote:

To Executive Committee: As you are aware, Beyond Egg has received a lot of publicity lately, mainly because of the partnership with Bill Gates. I am attaching a budget to address this situation. We do not have a budget at this time; however, we went ahead with a few activities because of timeliness, but we feel we need to have a budget to not only respond when appropriate, but also be on the offense and not the defense.

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I would appreciate your response ASAP on this budget for \$59,500 to address the Beyond Eggs situation from Special Projects. If you approve, simply respond with YES. If you have any questions, please let me know. Joanne

Reynolds, Leon - AMS

From: Pat Stonger <pat@daybreakfoods.com>
Sent: Monday, December 16, 2013 10:53 AM
To: 'Joanne Ivy'; 'Paul Sauder'; Joanne Ivy
Cc: 'Roger Deffner'; 'Greg Herbruck'; 'Blair VanZetten'; 'Paul Sauder'; 'Andrew Reichman'; 'Chris Pierce'
Subject: RE: Beyond Eggs Budget

You have my yes vote as well.

Pat

From: Joanne Ivy [<mailto:Jivy@aeb.org>]
Sent: Monday, December 16, 2013 9:41 AM
To: Paul Sauder
Cc: Roger Deffner; Greg Herbruck; Blair VanZetten; Paul Sauder; Pat Stonger; Andrew Reichman; Chris Pierce
Subject: Re: Beyond Eggs Budget

Thanks Paul for your quick YES vote.

Yes, we saw the Dr. Oz segment. He is a fantastic advocate for eggs. We will see how we can use that information. It is great having someone of his credibility speaking positively about eggs. And, it is even better that AEB is not partnering with him as it comes across as very believable as a third party endorsement -- and not paid by a sponsor!

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I would appreciate your response ASAP on this budget for \$59,500 to address the Beyond Eggs situation from Special Projects. If you approve, simply respond with YES. If you have any questions, please let me know. Joanne

Reynolds, Leon - AMS

From: Joanne Ivy <JIvy@aeb.org>
Sent: Monday, December 16, 2013 8:13 PM
To: Andrew Reichman
Subject: Re: Beyond Eggs Budget

Thanks Andrew. Joanne

Sent from my iPad

On Dec 16, 2013, at 6:44 PM, "Andrew Reichman" <preggs1951@yahoo.com> wrote:

Thanks Joanne for the quick response. Yes . Thanks Andrew

Sent from my iPad

On Dec 16, 2013, at 10:00 AM, Joanne Ivy <JIvy@aeb.org> wrote:

To Executive Committee: As you are aware, Beyond Egg has received a lot of publicity lately, mainly because of the partnership with Bill Gates. I am attaching a budget to address this situation. We do not have a budget at this time; however, we went ahead with a few activities because of timeliness, but we feel we need to have a budget to not only respond when appropriate, but also be on the offense and not the defense.

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<Dec-Jan Beyond Eggs Budget.xlsx>

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Reynolds, Leon - AMS

From: Joanne Ivy <JIvy@aeb.org>
Sent: Monday, December 16, 2013 10:19 AM
To: Chris Pierce
Subject: Re: Beyond Eggs Budget

Thanks

Sent from my iPhone

On Dec 16, 2013, at 10:05 AM, "Chris Pierce" <CPierce@heritagepms.com> wrote:

Joanne,

YES

Thanks for the leadership and action plan your giving this important topic.

Chris

From: Joanne Ivy [<mailto:JIvy@aeb.org>]
Sent: Monday, December 16, 2013 10:01 AM
To: Roger Deffner; Greg Herbruck; Blair VanZetten; Paul Sauder; Pat Stonger; Andrew Reichman; Chris Pierce
Subject: Fwd: Beyond Eggs Budget

To Executive Committee: As you are aware, Beyond Egg has received a lot of publicity lately, mainly because of the partnership with Bill Gates. I am attaching a budget to address this situation. We do not have a budget at this time; however, we went ahead with a few activities because of timeliness, but we feel we need to have a budget to not only respond when appropriate, but also be on the offense and not the defense.

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I would appreciate your response ASAP on this budget for \$59,500 to address the Beyond Eggs situation from Special Projects. If you approve, simply respond with YES. If you have any questions, please let me know. Joanne

APPEARANCES :

On Behalf of the Witness:

ALEX MENENDEZ, ESQ.

LUCAS C. MEYER, ESQ.

of: McLeod Watkinson & Miller

One Massachusetts Avenue, N.W.

Suite 800

Washington, DC 20001

202-842-2345

amenendez@mwmllaw.com

lmeyer@mwmllaw.com

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1 P-R-O-C-E-E-D-I-N-G-S

2 11:01 a.m.

3 MR. REYNOLDS: Good morning. Today is
4 Tuesday, February 23rd and the time is 11:01 a.m.
5 Eastern Standard Time, and we are in USDA South
6 Building, Room 4530. My name is Leon Reynolds
7 and I'm a Compliance Officer with the
8 Agricultural Marketing Service, United States
9 Department of Agriculture.

10 This interview is being conducted as
11 part of an AMS Compliance Branch Review, L-0414-
12 15. The information provided in this interview
13 will be taken under oath and made part of the
14 official record or report of Compliance Branch
15 Review L-0414-15.

16 Present for this interview are?

17 MR. SOTOSKY: Jeffrey Sotosky with the
18 AMS Compliance Branch.

19 MR. MEYER: Luke Meyer with McLeod,
20 Watkinson & Miller.

21 MR. MENENDEZ: Alex Menendez with
22 McLeod, Watkinson & Miller.

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1 MR. VAN ZETTEN: Blaire Van Zetten,
2 Oskaloosa Food Products.

3 MR. REYNOLDS: This interview is being
4 transcribed with your knowledge and consent. Is
5 this correct, Mr. Van Zetten?

6 MR. VAN ZETTEN: Yes.

7 MR. MENENDEZ: And just to be clear,
8 you're in here in your role as a board member of
9 the American Egg Board, correct?

10 MR. VAN ZETTEN: Correct.

11 MR. REYNOLDS: Mr. Van Zetten, could
12 you please say and spell your name for the
13 transcriber?

14 MR. VAN ZETTEN: It's Blaire Van
15 Zetten. V-A-N, Z-E-T-T-E-N.

16 MR. REYNOLDS: Could you please stand
17 and raise your right hand? Do you solemnly swear
18 that the information you are about to provide is
19 true and complete, so help you God?

20 MR. VAN ZETTEN: I do.

21 MR. REYNOLDS: Thank you. For
22 clarification, Mr. Van Zetten, there may be times

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1 during this interview where I will mention Egg
2 Board and American Egg Board. When I say Egg
3 Board, I'm referring to the individuals who have
4 been appointed to such position by the United
5 States Secretary of Agriculture. When I mean the
6 American Egg Board, I'm referring to the staff
7 that is based outside of Chicago, Illinois and
8 was led by Joanne Ivy who was the President and
9 CEO of the American Egg Board. Do you
10 understand?

11 MR. VAN ZETTEN: Yes.

12 MR. REYNOLDS: What year did you
13 become a member of the Egg Board?

14 MR. VAN ZETTEN: I can't remember
15 that. Back in the 1990s, maybe.

16 MR. REYNOLDS: And what is the purpose
17 of the Egg Board?

18 MR. VAN ZETTEN: Promotional
19 activities for eggs, to promote eggs, research.

20 MR. REYNOLDS: What year did you
21 become a member of the Executive Committee of the
22 Egg Board?

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1 MR. VAN ZETTEN: I've been a member of
2 the Executive Committee twice. I was Treasurer
3 back, I think, in the early 2000s and then I
4 think I became on the Executive Committee -- it
5 might have been 2012, 2013, I can't remember
6 exact times.

7 MR. REYNOLDS: And explain the duties
8 and the responsibilities of the Executive
9 Committee of the Egg Board?

10 MR. VAN ZETTEN: They oversee the
11 American Egg Board as far as policies,
12 procedures.

13 MR. REYNOLDS: And what positions have
14 you held on the Executive Committee?

15 MR. VAN ZETTEN: As of today, I've
16 been Vice Chairman, Secretary, and Treasurer.

17 MR. REYNOLDS: And from my
18 understanding when Ms. Ivy retired --

19 MR. MENENDEZ: Yes. Just for purposes
20 of clarification, as a member of the Executive
21 Committee, when the CEO retired and while there
22 was a lapse in management when there was no CEO,

Exhibit 46

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1 Mr. Van Zetten and Paul Sauder, who was the
2 Chairman at the time, took over the day-to-day
3 management of the Egg Board while they were
4 searching for a replacement for Mrs. Ivy.

5 MR. REYNOLDS: Okay. Is that correct,
6 Blaire?

7 MR. VAN ZETTEN: Correct.

8 MR. REYNOLDS: As a member of the Egg
9 Board, have you interacted with the American Egg
10 Board staff?

11 MR. VAN ZETTEN: Yes.

12 MR. REYNOLDS: And was there any one
13 particular person you interacted with the most?

14 MR. VAN ZETTEN: I interacted with
15 everybody. You sit on various committees, so I
16 don't know -- I sit on the Industry Relationship
17 Committee chaired by Jon Howeth.

18 MR. REYNOLDS: Okay. When you
19 conducted business as a member of the Egg Board,
20 what email address did you use to communicate?

21 MR. VAN ZETTEN: Company email.

22 MR. REYNOLDS: What address is that?

1 MR. VAN ZETTEN: That would be
2 bvanzetten@oskyfoods.com.

3 MR. REYNOLDS: And that's O-S-K-Y
4 foods.com?

5 MR. VAN ZETTEN: Correct.

6 MR. REYNOLDS: As a member of the Egg
7 Board, are you familiar with the Egg Research and
8 Promotion Act and other federal regulations
9 concerning the purpose of the Egg Board and use
10 of Egg Board funds?

11 MR. VAN ZETTEN: Yes.

12 MR. REYNOLDS: Are you aware the Egg
13 Research and Promotion Act are sometimes referred
14 to as the Act?

15 MR. VAN ZETTEN: Yes.

16 MR. REYNOLDS: Who from the USDA was
17 the Executive Committee's point of contact during
18 the time you served on the Executive Committee
19 from 2013 to present?

20 MR. VAN ZETTEN: I'm not sure I can
21 recall that. I think there might have been
22 three. It could have been Angie Snyder.

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1 could have been Kennie Payne, who is recent, and
2 Emily DeBord.

3 MR. REYNOLDS: Who from the Executive
4 Committee was the point of contact for Joanne
5 Ivy?

6 MR. VAN ZETTEN: When?

7 MR. REYNOLDS: From 2013 until she
8 retired?

9 MR. VAN ZETTEN: It would probably be
10 the President, whoever the President of the
11 American Egg Board was. I'm not sure I
12 understand your question.

13 MR. REYNOLDS: Right. Let me ask the
14 question again. Who from the Executive Committee
15 was a point of contact for Ivy, for Joanne Ivy?

16 MR. VAN ZETTEN: You mean who would
17 Joanne talk to?

18 MR. REYNOLDS: Yes, from the Executive
19 Committee.

20 MR. VAN ZETTEN: She would probably
21 confer as to what questions? As the President,
22 so she would confer with the President. So the

Exhibit 46

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1 President and her, whoever from the American Egg
2 Board, and if it became an issue or something had
3 to be brought up, then we would all be brought in
4 as a committee.

5 MR. REYNOLDS: Okay.

6 MR. MENENDEZ: By President, I think
7 he means the Chairman.

8 MR. VAN ZETTEN: Chairman. I'm sorry,
9 the Chairman.

10 MR. REYNOLDS: Are you familiar with
11 Josh Tetrick, owner of Hampton Creek and Products
12 to include Beyond Eggs and Just Mayo?

13 MR. VAN ZETTEN: I am now.

14 MR. REYNOLDS: When did you first
15 become aware of Tetrick and his products?

16 MR. VAN ZETTEN: Three or four years
17 ago.

18 MR. REYNOLDS: And would this be in
19 2016? Which -- you said two or three years?

20 MR. VAN ZETTEN: It could be 2012, it
21 could be 2013. I can't remember when.

22 MR. REYNOLDS: Okay, '12 or '13.

Exhibit 46

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1 Please tell me what you know about Tetrick, his
2 company, and his products to include Just Mayo
3 and Beyond Eggs?

4 MR. VAN ZETTEN: I just know that he
5 had the product of Just Mayo and that he wants to
6 come out with other products that use egg
7 replacers or to be used as an egg replacer.

8 MR. REYNOLDS: Is he the only egg
9 replacer on the market?

10 MR. VAN ZETTEN: No.

11 MR. REYNOLDS: Do you know the names
12 of some of the other egg replacers?

13 MR. VAN ZETTEN: Not off the top of my
14 head, no, but there's plenty of them.

15 MR. REYNOLDS: All right, are Tetrick
16 and his company, members of the Egg Board?

17 MR. VAN ZETTEN: No.

18 MR. REYNOLDS: Why not?

19 MR. VAN ZETTEN: You have to be a
20 producer in order to be a member of the American
21 Egg Board. He doesn't have chickens.

22 MR. REYNOLDS: And a producer of?

Exhibit 46

1 MR. VAN ZETTEN: Eggs.

2 MR. REYNOLDS: Is he a member of an
3 Egg Board committee?

4 MR. VAN ZETTEN: He's not a member of
5 the Board, so he can't be a member of the
6 committee.

7 MR. REYNOLDS: Okay, I didn't know.
8 So you have to be a member of the Board to be a
9 member of the committee?

10 MR. VAN ZETTEN: Yes.

11 MR. REYNOLDS: Okay. How did you view
12 Tetrick and his products when you learned of it?

13 MR. VAN ZETTEN: Didn't know much
14 about it and didn't view it one way or another,
15 just another person coming out with an egg
16 replacer or an egg substitute.

17 MR. REYNOLDS: And did your view of
18 his product change?

19 MR. VAN ZETTEN: I have no view of his
20 product whatsoever.

21 MR. REYNOLDS: Did you ever see
22 Tetrick's product as a product that could attract

Exhibit 46

Page 12 of 50

1 customers who usually bought products that
2 contained eggs?

3 MR. VAN ZETTEN: Can you repeat that
4 question again?

5 MR. REYNOLDS: Sure, not a problem.
6 Did you ever see Tetrick's products as a product
7 that could attract customers who usually bought
8 products that contained eggs?

9 MR. VAN ZETTEN: Sure.

10 MR. REYNOLDS: Did you ever see
11 Tetrick's products as a threat to the egg
12 industry?

13 MR. VAN ZETTEN: No.

14 MR. REYNOLDS: What made you not look
15 at them as a threat?

16 MR. VAN ZETTEN: An egg replacer is
17 always a concern, but I don't know what you mean
18 by a threat. So you always pay attention to it
19 because it's a concern and it can be substituted
20 for eggs, but it's not an egg.

21 MR. REYNOLDS: Did you ever see them
22 as a competitor to the egg industry?

Exhibit 46

Page 13 of 50

1 MR. VAN ZETTEN: Yes.

2 MR. REYNOLDS: To your knowledge, did
3 the Egg Board, including the Executive Committee,
4 ever speak of Tetrick at a meeting or conference
5 call?

6 MR. VAN ZETTEN: Sure. I mean we're
7 going back to the last three months, that's all
8 I've heard about is Josh Tetrick.

9 MR. REYNOLDS: Any time before then in
10 2013 or 2014?

11 MR. VAN ZETTEN: Yes.

12 MR. REYNOLDS: When was the discussion
13 and what did the discussion entail?

14 MR. VAN ZETTEN: I'm not even sure I
15 can remember other than he was just coming in as
16 an egg replacer and that was about it.

17 MR. REYNOLDS: Was there any
18 discussion on how to respond to his product
19 coming on the market?

20 MR. VAN ZETTEN: Only in a positive
21 way.

22 MR. REYNOLDS: What was that positive

Exhibit 46

1 way?

2 MR. VAN ZETTEN: We'd go out and
3 promote the attributes of eggs, the nutritional
4 value, functionality.

5 MR. REYNOLDS: And when you say -- I
6 guess the committee spoke, who amongst the
7 committee was speaking about the product?

8 MR. VAN ZETTEN: I have no idea if I
9 can even remember.

10 MR. REYNOLDS: Did the Executive
11 Committee give any guidance to the American Egg
12 Board staff in Chicago on how to respond to this
13 new product that Mr. Tetrick is Beyond Eggs and
14 Just Mayo products, how to respond?

15 MR. VAN ZETTEN: No.

16 MR. REYNOLDS: Did Joanne ever come to
17 the committee for any guidance on how to respond
18 or any assistance?

19 MR. VAN ZETTEN: I can't recall.

20 MR. REYNOLDS: Did the Executive
21 Committee ever authorize the use of American Egg
22 Board funds to be used in response to Tetrick in

Exhibit 46

1 his products, Beyond Eggs and Just Mayo?

2 MR. VAN ZETTEN: In what way?

3 MR. REYNOLDS: Did they authorize use
4 of any funds?

5 MR. VAN ZETTEN: The only funds that
6 we ever used would be for the promotion of eggs,
7 what our responsibility is, to promote the
8 attributes of eggs.

9 MR. REYNOLDS: And what was the
10 promotion for attributes of eggs, exactly what
11 was it?

12 MR. VAN ZETTEN: It would be
13 literature that eggs are nutritionally good. It
14 could be a lot of different things. It could be
15 using it for -- I don't know, a variety of
16 different things.

17 MR. REYNOLDS: And do you know who was
18 in charge of that promotional piece?

19 MR. VAN ZETTEN: No. It goes down to
20 the staff and the staff coordinates that. We as
21 a board, don't get down to day-to-day operations.

22 MR. REYNOLDS: Did anybody ever report

Exhibit 46

1 back what they were or were not doing in response
2 to Beyond Eggs and Just Mayo and Hampton Creek
3 and Josh Tetrick?

4 MR. VAN ZETTEN: I'm not sure I can
5 even recall that, no.

6 MR. REYNOLDS: Were you aware of any
7 blogger use by the American Egg Board as it
8 relates to Tetrick and his company and his
9 products?

10 MR. VAN ZETTEN: No.

11 MR. REYNOLDS: Or any word search?

12 MR. VAN ZETTEN: No.

13 MR. REYNOLDS: Did you ever authorize
14 the use of American Egg Board funds to be used in
15 response to any of Tetrick's products Beyond Eggs
16 or Just Mayo, any of them?

17 MR. VAN ZETTEN: No. Just for the
18 promotion.

19 MR. REYNOLDS: Are there any similar
20 companies to Hampton Creek?

21 MR. VAN ZETTEN: As far as?

22 MR. REYNOLDS: As far as companies

Exhibit 46

1 that have products, egg-less based products?

2 MR. VAN ZETTEN: As egg substitutes?

3 Sure. I'm sure there's lots of companies.

4 Lipton's just announced they were going to make
5 an egg-less mayonnaise.

6 MR. REYNOLDS: I'm showing Mr. Van
7 Zetten an email dated September 11, 2013 from
8 himself to Joanne Ivy, Mitch Cantor, and Kevin
9 Vinchattle, V-I-N-C-H-A-T-T-L-E, with the subject
10 artificial egg. The email read: "Joanne, what
11 do we know about this? We're starting to get
12 lots of questions. Blaire."

13 Part of the email chain is a link to
14 a Daily Mail article entitled "Artificial Egg
15 Made from Plants Backed by Bill Gates Set to
16 Revolutionize Cooking Goes on Sale at Whole
17 Foods." The article discusses Beyond Eggs and
18 Josh Tetrick.

19 Mr. Van Zetten, did you send this
20 email?

21 MR. VAN ZETTEN: It comes from me,
22 yes, to Joanne. The original email was from my

Exhibit 46

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1 son with the article that's attached to it and I
2 forwarded this on to Joanne asking her about the
3 information.

4 MR. REYNOLDS: Okay. And what was the
5 purpose of you forwarding this email to Joanne?

6 MR. VAN ZETTEN: Because people were
7 asking questions of what is it?

8 MR. REYNOLDS: What does this email
9 and article have to do with the promotion of
10 eggs, egg products, spent fowls, or products of
11 spent fowls?

12 MR. VAN ZETTEN: It says artificial
13 egg plants. So any time I see a word artificial
14 egg plant, what does that mean to the American
15 Egg Board? I mean is there a new egg coming out
16 as a plant? We didn't know anything about it.
17 So any time that there's a substitute or anything
18 like that, it's our responsibility to look at
19 that.

20 MR. REYNOLDS: What I'm showing Mr.
21 Menendez, as well as Mr. Van Zetten is the Daily
22 Mail article that I referred to for their review

Exhibit 46

1 if they choose to.

2 MR. VAN ZETTEN: Okay.

3 MR. MENENDEZ: No, we're fine.

4 MR. REYNOLDS: You're good?

5 MR. MENENDEZ: Yes, we're good.

6 MR. REYNOLDS: Okay. Are you

7 finished?

8 MR. MENENDEZ: Yes.

9 MR. REYNOLDS: You finished looking?

10 Okay. Were you aware Joanne Ivy claimed that
11 Anthony Zolezzi, that's Z-O-L-E-Z-Z-I, who I
12 understand to be a consultant who has worked with
13 Tom Hall, could stop the distribution of Beyond
14 Eggs at Whole Foods with just a phone call?

15 MR. VAN ZETTEN: No.

16 MR. MENENDEZ: And just for
17 clarification, you said he was a consultant.
18 Consultant with who? Is that what the email
19 says? I'm sorry. I just wanted to understand.

20 MR. REYNOLDS: Yeah, from my
21 understanding he was a consultant at X.

22 MR. MENENDEZ: I just wanted to be

Exhibit 46

1 clear that he wasn't a consultant for the Egg
2 Board.

3 MR. REYNOLDS: No, no, no, fine.

4 MR. VAN ZETTEN: I would agree with
5 that. He was not a consultant for the Egg Board.

6 MR. REYNOLDS: Right. So you said you
7 were not aware?

8 MR. VAN ZETTEN: No.

9 MR. REYNOLDS: Were you further aware
10 Joanne Ivy mentioned she followed up on this
11 offer and was anxious to see how it went?

12 MR. VAN ZETTEN: I have no idea what
13 offer you're referring to and I'm not aware of
14 anything.

15 MR. REYNOLDS: Mr. Alex. I'm showing
16 Mr. Van Zetten, as well as Mr. Menendez, an email
17 from Joanne Ivy to Mr. Van Zetten and others,
18 dated December 4, 2013 with the subject "Meeting
19 with Tom Hall Update." The email reads in part:
20 "For instance, Mr. Zolezzi proclaimed that he
21 could stop the distribution of Beyond Eggs at
22 Whole Foods with just a phone call. I have

Exhibit 46

1 already followed up on this offer and I am
2 anxious to see how it goes."

3 Did you receive this email, Mr. Van
4 Zetten?

5 MR. VAN ZETTEN: Obviously, it's
6 addressed to me, so I must have received it.

7 MR. REYNOLDS: Did you ever read this
8 email?

9 MR. VAN ZETTEN: I can't remember.
10 I'm sure I probably read it because the email
11 came to me, but I certainly don't remember this.

12 MR. REYNOLDS: Did you respond to this
13 email?

14 MR. VAN ZETTEN: Not to my knowledge,
15 but I don't remember. It was three years ago.

16 MR. REYNOLDS: Do you know what this
17 email was about and if you need time to review
18 it, please do such.

19 MR. VAN ZETTEN: The only thing I know
20 about this email or anything about this is that
21 she was going to have a meeting with evidently
22 Chad Gregory and I can't even tell you who all

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1 was that at that meeting. And they were talking
2 about the marketing of eggs. At no time, do I
3 know of anything about stopping distribution?

4 MR. REYNOLDS: When did you first
5 become aware of Mr. Zolezzi?

6 MR. VAN ZETTEN: To be honest, I don't
7 even know Mr. Zolezzi. Other than this email, I
8 have never met the man. I don't even know who he
9 is.

10 MR. REYNOLDS: Was Zolezzi ever
11 mentioned at an Egg Board meeting that included
12 other Egg Board members?

13 MR. VAN ZETTEN: To my knowledge, not
14 that I can recall.

15 MR. REYNOLDS: Can you explain to me
16 what contacting Mr. Zolezzi to remove Beyond Eggs
17 off the shelf of Whole Foods had to do with the
18 promotion of eggs, egg products, spend fowls or
19 products of spend fowls?

20 MR. VAN ZETTEN: Only of the fact that
21 if it had to do with false labeling or
22 misbranding, but I don't know why she would even

Exhibit 46

1 write that email to be honest.

2 MR. MENENDEZ: And just to be clear.
3 So I don't want to put you in an awkward
4 position, you said you had no idea of Mr.
5 Zolezzi. There was a time when I gave a
6 presentation to the Executive Committee after all
7 of this happened.

8 MR. VAN ZETTEN: After, right. From
9 September on, I know all about that. From here
10 before, I know nothing about this.

11 MR. MENENDEZ: I just want to make
12 that very clear because we are under oath here.

13 MR. REYNOLDS: Did you ever have any
14 communication with Ivy concerning Beyond Eggs,
15 Just Mayo, Josh Tetrick, Hampton Creek, or of
16 Tetrick's products?

17 MR. VAN ZETTEN: Only to find out what
18 information they could on that one email that I
19 had.

20 MR. REYNOLDS: Do you know whether
21 phone calls --

22 MR. VAN ZETTEN: From Ms. Ivy?

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1 MR. REYNOLDS: Yes.

2 MR. VAN ZETTEN: Not that I'm aware
3 of.

4 MR. REYNOLDS: Or to, any kind of
5 phone communications to or from?

6 MR. VAN ZETTEN: No.

7 MR. REYNOLDS: In-person conversation?

8 MR. VAN ZETTEN: No.

9 MR. REYNOLDS: Did you ever give your
10 approval to Joanne Ivy for the American Egg Board
11 to budget \$59,500 to address the Beyond Eggs
12 situation?

13 MR. VAN ZETTEN: If it came up during
14 an executive session, maybe.

15 MR. REYNOLDS: When did this executive
16 session --

17 MR. VAN ZETTEN: I couldn't tell you.
18 The only time you get those approvals if they
19 come up in executive session or at a committee
20 meeting.

21 MR. REYNOLDS: And why would it only
22 come up on those two occasions?

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1 MR. VAN ZETTEN: Only if it's there to
2 promote eggs.

3 MR. REYNOLDS: Do you know what the
4 Beyond Eggs situation was?

5 MR. VAN ZETTEN: What do you mean by
6 that? My personal knowledge, really of Beyond
7 Eggs and where the scope came, actually came in
8 September of 2015 when Joanne Ivy brought it to
9 our attention and also the USDA. And I should
10 say that at all these executive sessions, USDA
11 was present, so they should have notes on how all
12 that money was to be spent.

13 MR. REYNOLDS: Who was present, which
14 meeting?

15 MR. VAN ZETTEN: There isn't an
16 executive session that's ever held without the
17 presence of having a USDA representative there.

18 MR. MENENDEZ: And just to be clear,
19 all of the executive committee meetings had
20 minutes, which I think you have, that identify
21 everybody who was attending there and who was
22 present and all the approvals of all of the

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1 budgets.

2 And also just for clarification, one
3 of the questions posed was why did they do it
4 this way? They don't approve budgets or spend
5 any check-off dollars without going through
6 Executive Committee and Board approval. It would
7 be a violation of the Act and the order to do it
8 outside of that process, so that's why they do it
9 that way. Everything should be documented and we
10 obviously would provide you with anything you
11 needed and I think you have most of the stuff.

12 MR. REYNOLDS: Do you have any comment
13 on what he said that is coming out of your words
14 and not counsel's words?

15 MR. VAN ZETTEN: That's exactly what
16 he said. He's right. There isn't a dollar spent
17 without it going through the Board.

18 MR. REYNOLDS: I'm showing you, you
19 being Mr. Van Zetten, with Mr. Menendez, an email
20 from Joanne Ivy to you, Mr. Van Zetten, and other
21 members of the Executive Committee, dated
22 December 16, 2013, with the subject "Beyond Eggs

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1 Budget."

2 The email reads in part: "To
3 Executive Committee: As you are aware, Beyond
4 Eggs has received a lot of publicity lately,
5 mainly because of the partnership with Bill
6 Gates. I'm attaching a budget to address this
7 situation. We do not have a budget at this time.
8 However, we went ahead with a few activities
9 because of timeliness, but we feel we need to
10 have a budget to not only respond when
11 appropriate, but also be on the offense and not
12 the defense."

13 Ivy also mentioned "I would appreciate
14 your response ASAP," A-S-A-P, "on this budget for
15 \$59,500 to address the Beyond Eggs situation from
16 Special Projects. If you approve, simply respond
17 with yes. If you have any questions, please let
18 me know. Joanne."

19 Did you receive this email?

20 MR. VAN ZETTEN: It's addressed to me,
21 so yes.

22 MR. REYNOLDS: Did you ever read this

Exhibit 46

1 email?

2 MR. VAN ZETTEN: Yes.

3 MR. REYNOLDS: Did you respond to this
4 email?

5 MR. VAN ZETTEN: Yes.

6 MR. REYNOLDS: And what was your
7 response?

8 MR. VAN ZETTEN: My response was
9 "Joanne, I vote yes."

10 MR. REYNOLDS: What were a few
11 activities that she said she took part in? Did
12 she ever say what activities they were?

13 MR. VAN ZETTEN: Not that I can
14 recall.

15 MR. REYNOLDS: Did she ever explain
16 what she meant by being on the offense and not
17 the defense?

18 MR. VAN ZETTEN: The purpose of the
19 American Egg Board is to go out and promote
20 nutrition and promote -- sell eggs. So we want
21 to have a positive light in promoting eggs and a
22 positive image. That's functionality, nutrition,

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1 whatever that may be.

2 MR. REYNOLDS: And I may have asked
3 this question. I'm not sure if I did, but just
4 excuse me if I did already. Were you aware of
5 any activities that the American Egg Board took
6 part in in response to Josh Tetrick, Hampton
7 Creek, Beyond Eggs, Just Mayo?

8 MR. MENENDEZ: Just to be clear, when
9 you say "in response to" what do you mean by
10 that? Do you mean in response to attacking
11 Hampton Creek or in response by promoting
12 positive messages?

13 MR. REYNOLDS: In response to Hampton,
14 Just Mayo, and Beyond Eggs coming on the market?

15 MR. VAN ZETTEN: The only thing that
16 we ever did was a promotion to promote
17 functionality, promote nutrition, the good part
18 and the good attributes of eggs. That's our
19 purpose.

20 MR. MENENDEZ: And to be clear, they
21 may have done that in response to some of the
22 stuff Hampton Creek was saying. But I think

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1 that's where the disconnect here is. They could
2 have done that in response to Hampton Creek which
3 is consistent with the Act or the order. So I
4 don't want there to be any confusion in terms of
5 his answer.

6 MR. REYNOLDS: Thank you.

7 MR. MENENDEZ: Okay.

8 MR. REYNOLDS: And what did -- can you
9 explain what approving a budget of \$59,500 to
10 address Beyond Eggs situation had to do with
11 promotion of eggs, egg products, spent fowls, or
12 products of spent fowls?

13 MR. VAN ZETTEN: I don't know where
14 the \$59,500 -- because that would have gone back
15 to the -- the \$59,000 would have gone back to the
16 staff to go out and could have been on nutrition.
17 It could have been for functionality. It could
18 have been a lot of different things to promote
19 the attribute of eggs. So it went back to the
20 staff and then it was probably split up that way.

21 MR. REYNOLDS: And is this response
22 unique to Beyond Eggs in reference to authorizing

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1 money towards an egg replacer company?

2 MR. VAN ZETTEN: No.

3 MR. REYNOLDS: What made this
4 different?

5 MR. VAN ZETTEN: It was no different
6 than any other replacement. It could be this
7 replacement. It could be the next replacement.
8 It could be animal welfare. It could be cage
9 free. It could be salmonella. It could be
10 anything you like.

11 MR. SOTOSKY: Has there ever been any
12 other companies like an egg replacer company
13 where if money was set aside like Beyond Eggs,
14 there's \$59,000 for Beyond Eggs. Has there ever
15 been another company similar to Beyond Eggs where
16 something was set aside, not like salmonella, but
17 an actual company?

18 MR. VAN ZETTEN: Could have been. I
19 can't recall. I'm not sure that this money was
20 specifically set aside specifically for Hampton
21 Creek. This money was set aside for promotion to
22 go out and promote the attribute of eggs. We

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1 were not there to pick on Hampton Creek.

2 MR. SOTOSKY: Okay.

3 MR. REYNOLDS: Was there a reason why
4 it was named Beyond Eggs if it was just to go out
5 and promote eggs?

6 MR. VAN ZETTEN: I'm not sure I
7 understand that question.

8 MR. REYNOLDS: You said it was a
9 promotion for eggs.

10 MR. VAN ZETTEN: Right.

11 MR. REYNOLDS: Beyond Eggs is an egg
12 replacer. Is there any reason why if it was just
13 to go out and promote eggs it would have the
14 title Beyond Eggs which happens to be the name of
15 an egg replacer?

16 MR. VAN ZETTEN: I'm still not
17 understanding your question. I'm sorry.

18 MR. REYNOLDS: Okay. Money was
19 budgeted under Beyond Eggs situation. And you
20 were saying that money is budgeted to promote
21 eggs.

22 MR. VAN ZETTEN: Right.

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1 MR. REYNOLDS: If it was just to
2 promote eggs period.

3 MR. VAN ZETTEN: Hampton Creek could
4 have come out and said something disparaging
5 against eggs. For example, cholesterol, eggs
6 have high cholesterol. And we might have gone
7 out and said the cholesterol's content or they
8 might have said you're not supposed to eat eggs.
9 We might have gone out and just said eggs are
10 safe to eat according to the American Heart
11 Association. So it could have been something
12 like that.

13 MR. REYNOLDS: I guess, counsel, you
14 have a copy of the minutes?

15 MR. MENENDEZ: Sure. I saw it
16 somewhere. Is there any particular minutes you
17 need?

18 MR. REYNOLDS: I have them right here
19 as well, the 12th of March.

20 MR. MENENDEZ: Okay.

21 MR. REYNOLDS: Mr. Van Zetten, did you
22 ever make a motion during an Executive Committee

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1 meeting in March 2014 for \$46,404 of the \$59,500
2 balance that was allocated for Beyond Eggs to
3 carry over into 2014? Do you know what I'm
4 talking about, Mr. Menendez?

5 MR. MENENDEZ: Yes. Thank you. I've
6 got it right here.

7 MR. VAN ZETTEN: Well, this is for
8 nutrition research.

9 MR. MENENDEZ: That paragraph.

10 MR. VAN ZETTEN: I'm assuming it's
11 tied into something to do with nutrition research
12 because that's what the reference was for.

13 MR. REYNOLDS: And these are minutes,
14 like I said, Executive Committee, American Egg
15 Board, Hilton Rosemont, Chicago O'Hare, March 12,
16 2014 that was signed by Paul Sauder, Chairman on
17 March 24, 2014. So you said it was for
18 nutritional purposes?

19 MR. VAN ZETTEN: I can't say exactly
20 what it's for, but it's a carryover and it says
21 for nutritional research.

22 MR. REYNOLDS: Did Ivy report or

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1 mention information at that meeting?

2 MR. VAN ZETTEN: I don't remember to
3 my knowledge. I mean the notes of this should be
4 -- whoever was your representative took pretty
5 detailed notes in there. So she should have the
6 notes of this.

7 MR. REYNOLDS: What does a unanimous
8 vote mean during Executive Committee meeting?

9 MR. VAN ZETTEN: Everybody voted in
10 favor of.

11 MR. REYNOLDS: And who can vote?

12 MR. VAN ZETTEN: Executive Board
13 members.

14 MR. REYNOLDS: So looking on the front
15 page --

16 MR. MENENDEZ: Is this an Executive
17 Committee meeting?

18 MR. VAN ZETTEN: Yes.

19 MR. REYNOLDS: So who -- looking on
20 the front page where it says Executive Committee
21 present, who could vote?

22 MR. VAN ZETTEN: The Executive

Exhibit 46

1 Committee that was present.

2 MR. REYNOLDS: So is that Joanne Ivy,
3 Chris Piers?

4 MR. VAN ZETTEN: Joanne Ivy cannot
5 vote. It would be Executive Committee present
6 would have been Roger Deffner, Blaire Van Zetten,
7 Paul Sauder, Andrew Reichman, Chris Piers. And
8 Joanne Ivy is not a --

9 MR. MENENDEZ: She could not vote.

10 MR. VAN ZETTEN: She could not vote.
11 And I'm not even sure Chris Piers could vote, to
12 be honest with you. I think he might have been
13 past chairman.

14 MR. REYNOLDS: Okay, so at least four,
15 maybe five persons under the Executive Committee
16 were present?

17 MR. VAN ZETTEN: Yes.

18 MR. REYNOLDS: What's an ex officio?

19 MR. VAN ZETTEN: Chris Piers, I'm
20 assuming is the past president, so he might have
21 been a Board member and gone to an alternate.
22 Alternates can't vote.

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1 MR. REYNOLDS: Thank you. Now doing
2 the math between the \$59,500 budget and the
3 \$46,404 of the motion that you had asked to be
4 carried over, there's a difference of over
5 \$13,000.

6 My question is what was American Egg
7 Board funds used for as it relates to the Beyond
8 Eggs budget?

9 MR. VAN ZETTEN: It would have gone to
10 staff and probably going to go for the promotion
11 of eggs. It would have gone back to the staff
12 and they would have dispersed that money
13 accordingly.

14 MR. REYNOLDS: When you say disperse,
15 I mean are we talking about salaries?

16 MR. VAN ZETTEN: No.

17 MR. REYNOLDS: Office equipment? What
18 we talking about?

19 MR. VAN ZETTEN: Promotion.

20 MR. REYNOLDS: And do you know
21 specifically what promotion was used with this
22 \$14,000?

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1 MR. VAN ZETTEN: No.

2 MR. REYNOLDS: Or who over at the
3 staff was responsible?

4 MR. VAN ZETTEN: No, I do not know.

5 MR. REYNOLDS: And do you know if this
6 money was used to assist with the promotion of
7 eggs, egg products, spent fowls or products of
8 spent fowls?

9 MR. VAN ZETTEN: For the promotion of
10 those products?

11 MR. REYNOLDS: Yes.

12 MR. VAN ZETTEN: I could have been,
13 yes.

14 MR. REYNOLDS: Do you know for a fact
15 that that's what it was used for since you
16 weren't sure how it was used specifically?

17 MR. VAN ZETTEN: I think it has to --
18 according to the Act, that's how it has to be
19 spent.

20 MR. REYNOLDS: I'm showing Mr. Van
21 Zetten an email dated August 25, 2015 from Joanne
22 Ivy to him and others with the subject FDA

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1 Ruling.

2 The email reads in part: "You may
3 have already heard the news, but if not I just
4 wanted to let you know about a notable article
5 from Bloomsberg announcing the FDA's ruling that
6 Hampton Creek can no longer call its Just Mayo
7 products mayonnaise because the product doesn't
8 contain eggs in the warning letter to Hampton
9 Creek that was released publicly this morning.
10 The FDA's standard of identity for mayonnaise
11 such as modified food starch and that the use of
12 the term mayo in the product names and the image
13 of an egg may be misleading to consumers because
14 it may cause them to believe that the products
15 are standardized food mayonnaise. Additionally,
16 the FDA stated that Hampton Creek can't claim
17 that their products are cholesterol free or imply
18 they are heart healthy because they contain too
19 much fat for the claims to be true. The FDA has
20 given Hampton Creek 15 days to respond to the
21 letter."

22 Did you receive this email?

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1 MR. VAN ZETTEN: Yes, I did.

2 MR. REYNOLDS: And did you read this
3 email?

4 MR. VAN ZETTEN: Yes, I did.

5 MR. REYNOLDS: Did you respond to this
6 email?

7 MR. VAN ZETTEN: I don't know if I
8 responded to this email or not.

9 MR. REYNOLDS: I know you are not
10 Joanne Ivy, but do you have any idea why Joanne
11 Ivy sent you this email message?

12 MR. VAN ZETTEN: Just to bring us up
13 to the date of what is going on with Hampton
14 Creek.

15 MR. REYNOLDS: Have you ever heard
16 Joanne Ivy mention at a Board meeting Beyond Eggs
17 could be a huge threat to the egg industry?

18 MR. VAN ZETTEN: I can't say whether
19 I have or I have not.

20 MR. REYNOLDS: Did you ever contact
21 anyone from the USDA concerning any of the
22 information we discussed?

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1 MR. VAN ZETTEN: What is "we"? You
2 mean you and I?

3 MR. REYNOLDS: Yes, what you and I
4 discussed which was in reference to the approval
5 of the budget, Anthony Zolezzi, contacting Whole
6 Foods?

7 MR. VAN ZETTEN: No, not to my
8 knowledge that I can remember.

9 MR. REYNOLDS: Okay. Do you have
10 direct knowledge that USDA was involved in any of
11 the information we discussed?

12 MR. VAN ZETTEN: I don't know how to
13 answer that because USDA was present in every one
14 of our executive meetings and they were also
15 present at every one of our Board meetings.

16 MR. REYNOLDS: When you say present,
17 are you saying physically present or present by
18 phone?

19 MR. VAN ZETTEN: Physically present.

20 MR. REYNOLDS: And I know we mentioned
21 names before, Kennie Payne, Emily DeBord, and
22 Angie Snyder. Were they the ones who were

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1 physically present or was it one of them, two of
2 them or which ones were?

3 MR. VAN ZETTEN: It could have been
4 one. It could have been two.

5 MR. REYNOLDS: Do you know which one,
6 one or two?

7 MR. VAN ZETTEN: It could have been
8 one. It could have been two.

9 MR. REYNOLDS: Which one or two, which
10 person, that's what I'm saying?

11 MR. VAN ZETTEN: I don't know -- I
12 can't remember.

13 MR. MENENDEZ: At the meeting.

14 MR. VAN ZETTEN: Yes, exactly. You
15 would have a list because everybody is accounted
16 for in those meetings, so there would be a list
17 of who was present and who wasn't.

18 MR. REYNOLDS: And the three people,
19 just for clarification was Kennie Payne, Emily
20 DeBord, and Angie Snyder.

21 MR. VAN ZETTEN: To the best of my
22 knowledge.

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1 MR. REYNOLDS: Is there any other
2 information you would like to add?

3 MR. VAN ZETTEN: Not at this time.

4 MR. REYNOLDS: Are there any additions
5 or corrections you would like to make to your
6 statement?

7 MR. VAN ZETTEN: Not at this time.

8 MR. REYNOLDS: Is this statement true,
9 complete, and correct to the best of your
10 knowledge?

11 MR. VAN ZETTEN: Yes.

12 MR. REYNOLDS: This concludes the
13 interview. The time is 11:40 a.m.

14 (Whereupon, the above-entitled matter
15 went off the record at 11:40 a.m.)

16

17

18

19

20

21

22

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11:13,17,19 12:1,4,10
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14:1,6,11,14,20 15:2
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16:19 17:4,10,12,17
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19:6,12,21 20:2,15
21:4,8,12,16,17 22:4
22:5,9,14,19 23:6,13
23:20 24:8,17,22 25:2
25:6,8,13,17 26:1,5
26:15 27:15,19,20
28:20 29:2,5,8,13,18
30:15 31:13 32:2,5,18
33:6,10,16,22 34:3,21
35:7,10,19 36:2,9,12
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37:19 38:9,16,19 39:1
39:4,9,12,17,21 41:1
41:4,7,12,18 42:1,7
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Oral Reply of Blaire Van Zetten

Before: USDA

Date: 02-23-16

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.

Neal R Gross

Court Reporter

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NEAL R. GROSS

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UNITED STATES DEPARTMENT OF AGRICULTURE

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COMPLIANCE & ANALYSIS

+ + + + +

IN RE: :
: :
INTERVIEW OF : AMS Compliance Branch
: Review L-014-15
CHRISTOPHER PIERCE :

:

Friday,
February 26, 2016

The interview was conducted at 1400
Independence Avenue, S.W., Washington, D.C., at
10:30 a.m.

BEFORE:

LEON REYNOLDS, Assistant Branch Chief
JEFFREY SOTOSKY, Compliance Officer

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APPEARANCES:

On Behalf of the Witness:

LUCAS C. MEYER, ESQ.
of: McLeod Watkinson & Miller
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Washington, D.C. 20001
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lmeyer@mwmlaw.com

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1 P-R-O-C-E-E-D-I-N-G-S

2 (10:37 a.m.)

3 MR. REYNOLDS: Good morning. Today
4 is Thursday, February 26, 2016. And the time is
5 10:37 a.m. Eastern Standard Time. And we are
6 located in the South Building of the United
7 States Department of Agriculture.

8 My name is Leon Reynolds. And I am a
9 Compliance Officer with the Agricultural
10 Marketing Service, United States Department of
11 Agriculture.

12 This interview is being conducted as
13 part of an AMS Compliance Branch Review L-014-15.
14 The information provided in this interview will
15 be taken under oath and made part of the official
16 record or report for Compliance Branch Review L-
17 014-15.

18 Present for this interview are?

19 MR. SOTOSKY: Jeffrey Sotosky,
20 Compliance Officer, AMS Compliance Branch.

21 MR. MEYER: Luke Meyer of McLeod,
22 Watkinson & Miller, counsel for American Egg

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1 Board.

2 MR. PIERCE: Chris Pierce with
3 Heritage Poultry Management Services.

4 MR. REYNOLDS: Mr. Pierce, can you
5 please say and spell your name for the
6 transcriber?

7 MR. PIERCE: Sure. Christopher, C-H-
8 R-I-S-T-O-P-H-E-R. Last name Pierce, P-I-E-R-C-
9 E. I'm fine being called Chris or Christopher.

10 MR. REYNOLDS: Would you please stand
11 and raise your right hand?

12 MR. PIERCE: Sure.

13 WHEREUPON,

14 CHRISTOPHER PIERCE
15 WAS CALLED AS A WITNESS BY THE U.S. DEPARTMENT OF
16 AGRICULTURE, AND AFTER HAVING BEEN FIRST DULY
17 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

18 MR. REYNOLDS: Thank you. For
19 clarification there may be times during this
20 interview where I will mention Egg Board and
21 American Egg Board. When I say Egg Board, I am
22 referring to the individuals who have been

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1 appointed to such position by the United States
2 Secretary of Agriculture.

3 When I mention the American Egg Board,
4 I'm referring to the staff that is based outside
5 of Chicago, Illinois and was led by Joanne Ivy
6 who was the President and CEO of the American Egg
7 Board.

8 Do you understand?

9 MR. PIERCE: I understand.

10 MR. REYNOLDS: What year did you
11 become a member of the Egg Board?

12 MR. PIERCE: Oh, my. I don't remember
13 the exact year. If I had to guess I would say it
14 was probably 2002, 2003. I don't remember
15 though.

16 MR. REYNOLDS: And what year did you
17 become a member of the Executive Committee of the
18 Egg Board?

19 MR. PIERCE: Let's see. Paul was off
20 for two years. Roger was for two years. My
21 guess, I'm guessing, I don't know exactly. Do
22 you want me to give an answer -- okay. I'm going

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1 to say maybe 2009. That would be my guess.

2 MR. REYNOLDS: And have you held
3 positions on the Executive Committee?

4 MR. PIERCE: Yes. Oh, you know what?
5 Let me back up. I was on as a Committee
6 Chairperson before that. I chaired the Consumer
7 Marketing Committee which is also known as the
8 Advertising Committee for two years. And that's
9 2007, 2008. I'm guessing, don't quote me on the
10 years, as the Chairman of the Consumer Marketing
11 Committee, and then I came on the Executive
12 Committee. I ended up being the Chairman of the
13 American Egg Board for a one-year period and only
14 one year due to my qualifications as being a
15 member position versus an alternate position. So
16 I wasn't qualified for a two-year term, just a
17 one-year term and that would have been four years
18 ago.

19 So Paul Sauder is the current
20 Chairman. He's finishing up his two years.
21 Roger Deffner was the Chairman before for one
22 year and I was the Chairman before that for one

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1 year. So I'm just reading -- by 2012, 2013, I
2 believe I was Chairman.

3 MR. REYNOLDS: Do you remember the
4 dates?

5 MR. PIERCE: I don't. I'm sure it's
6 documented on record. I just don't remember what
7 it is.

8 MR. REYNOLDS: I'm sure USDA has the
9 exact.

10 MR. PIERCE: Yes.

11 MR. REYNOLDS: Please explain the
12 duties and responsibilities of the Executive
13 Committee of the Egg Board?

14 MR. PIERCE: Sure. The Executive
15 Committee -- this is my interpretation of it,
16 they have the Executive Branch of the Board of
17 the Egg Board. So this group kind of has set
18 some structure, kind of a small group that sets
19 some governing, that is setting some problem
20 solving and they will narrow some things down
21 then that the full Board and alternates will be
22 able to hear that information.

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1 They're also there to provide some
2 guidance and input for the President, so it's
3 kind of a small group that the President can have
4 interaction. It also represents the Committee
5 Chairpersons. There's different committees
6 within the American Egg Board's structure, so the
7 Executive Committee is kind of the executive
8 group that helps provide some guidance and a
9 soundboard for overall topics.

10 MR. REYNOLDS: And you were saying
11 President, which President are you referring to?

12 MR. PIERCE: Sorry. That would have
13 been the President Joanne Ivy. She was President
14 while I served on Executive Committee.

15 MR. REYNOLDS: And to be on the Egg
16 Board, you have to be what?

17 MR. PIERCE: To be on the Egg Board,
18 that's a group of farmers, you have to be an egg
19 farmer that has ownership of more than 75,000
20 hens, I think that's the number. I may not be
21 exactly right. You have to qualify, you have to
22 have so many birds you have to have ownership of.

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1 And then there's regional caucuses that are
2 actually area caucuses that will come up with a
3 slate of recommendations of those to serve on
4 either an alternate position or a Board member
5 position. And then the caucuses will submit that
6 to USDA for determination of who will fill the
7 vacancies and/or who could continue if their term
8 -- if their time line is about to expire.

9 MR. REYNOLDS: And so the Executive
10 Committee, as you were saying, has oversight of
11 the American Egg Board which the President was
12 Joanne Ivy?

13 MR. PIERCE: That's correct. She
14 reports to the Executive Committee. I take that
15 back. The staff all works for the Egg Board for
16 the farmers, because that's where the funding
17 comes from. There's no tax income. All the
18 funding, the check off is through the check off
19 program. So the staff including the President
20 all are accountable and work for the Egg Board.

21 MR. REYNOLDS: So all the funding
22 comes from those who are qualified to be part of

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1 the Egg Board?

2 MR. PIERCE: That is correct. All
3 those that -- according to the act of Congress, I
4 don't remember the specific details, but all
5 those that have more than 75,000 chickens are
6 responsible to contribute ten cents for every
7 case of eggs towards that. There are farms with
8 less than 75,000. They do it voluntarily. And
9 many farms with less than 75,000 actually do
10 contribute towards the Egg Board.

11 MR. REYNOLDS: So how many egg
12 producers are part of the Egg Board?

13 MR. PIERCE: I don't know. I don't
14 have an answer for that.

15 MR. REYNOLDS: And what is the purpose
16 of the Egg Board?

17 MR. PIERCE: The purpose of the
18 American Egg Board or the Egg Board?

19 MR. REYNOLDS: Let's go with both.

20 MR. PIERCE: Okay. The purpose of the
21 Egg Board -- well, let me start with the purpose
22 of the American Egg Board is to promote consumer

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1 knowledge of the benefits of eggs and to promote
2 eggs, and the benefits of eggs. I'll give that,
3 just a pretty general.

4 The purpose, in my opinion, of the Egg
5 Board --

6 MR. MEYER: Because the American Egg
7 Board is just the American Egg Board.

8 MR. PIERCE: Yes, so the American Egg
9 Board, I'm looking at -- I wasn't specifically
10 saying like Jim Smith or Tom Smith -- like the
11 purpose of the work that they try to accomplish
12 of the American Egg Board is to provide consumers
13 with information to show the benefits of eggs and
14 egg products. That's what I would say the
15 American Egg Board objective is. And they use
16 the staff to accomplish that.

17 MR. MEYER: And the differentiation
18 you are making between American Egg Board and Egg
19 Board, you are saying Egg Board equals that based
20 on what --

21 MR. PIERCE: Well, then I was going to
22 say the Egg Board, the farmers that serve on the

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1 Board as a Board member and alternate, their goal
2 is to provide input to the staff, the American
3 Egg Board on thoughts, opinions, guidance, as
4 well as for the American Egg Board staff to
5 communicate with the farmers on suggestions on
6 how they can help promote eggs and egg products.

7 MR. REYNOLDS: As a member of the Egg
8 Board, did you interact with the American Egg
9 Board staff outside of Joanne Ivy?

10 MR. PIERCE: Yes, I would, again as a
11 Committee chairperson of the Consumer Marketing
12 Committee, I would have had interaction with
13 multiple staff members including Kevin Burkum who
14 is the senior liaison that kind of is in charge
15 of that Committee as well as other staff members.
16 As well as I've helped with some promotions with
17 others. Like where's a project called the Good
18 Egg Project. This was done with a Navy ship, me
19 and my family, we helped cook eggs. I helped
20 with the White House Egg Roll for many different
21 years as we have opportunities for interaction
22 between consumers, general public, and farmers,

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1 to try to educate consumers who farmers are and
2 where their food comes from. I've had a lot of
3 different interactions. I'm an active farmer
4 that I want to help consumers know the benefits
5 of eggs.

6 MR. REYNOLDS: As a member of the Egg
7 Board, did you have contact with the USDA point
8 of contact?

9 MR. PIERCE: I would have had
10 interaction with Angie Snyder who would have been
11 the liaison, whatever that position is. There
12 were some other people after her. I apologize, I
13 don't remember everybody's name, but yes, I would
14 have had interactions with them at Board meetings
15 as many individuals do.

16 MR. REYNOLDS: Okay. Outside of Board
17 meetings any contact?

18 MR. PIERCE: Not to my knowledge
19 outside of Board meetings.

20 MR. REYNOLDS: But you knew how to
21 contact them if you needed to?

22 MR. PIERCE: That's correct. I would

Exhibit 47

1 have email addresses.

2 MR. REYNOLDS: And what email address
3 did you use when you communicated with other Egg
4 Board members as well and this goes for people on
5 the Executive Committee, American Egg Board staff
6 --

7 MR. PIERCE: I don't know how you are,
8 but we have a lot of email addresses, so it could
9 have been either cpierce@heritagepms.com. It
10 could have been chris@heritagepms.com or likely
11 it could have been chrismperce@comcast.net.
12 That's probably the three that are set up in my
13 Outlook as sending emails.

14 MR. REYNOLDS: And you are the only
15 one who has access to those emails?

16 MR. PIERCE: Yes. My computer does.
17 And typically, I'm the only one using my
18 computer.

19 MR. REYNOLDS: Okay.

20 MR. PIERCE: To my knowledge.

21 MR. REYNOLDS: As a member of the Egg
22 Board, were you familiar with the Egg Research

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1 and Promotion Act and other federal regulations
2 concerning the purpose of the Egg Board and use
3 of Egg Board funds?

4 MR. PIERCE: I'm familiar that that is
5 the guidance that sets the structure for the
6 American Egg Board and I would say I don't know
7 all the details. There's probably tens of
8 thousands of words in it. I would say I don't
9 know all of the details off of memory.

10 MR. REYNOLDS: Tell me what you do
11 remember from memory to the best of your
12 knowledge.

13 MR. PIERCE: Sure. best of my
14 knowledge I know that it's authorized by Congress
15 and that it's a requirement for all egg farmers
16 with more than 75,000 chickens are required they
17 must participate in the check off. I would say
18 that my knowledge is those funds is what is used
19 to cover the budget, both for staff and for other
20 expenses. And that the staff needs to follow the
21 guidelines. That's why, in that case, Angie
22 Snyder would have been in place. The staff has

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1 some structure that they need to follow and often
2 some of that structure is vague. It's not black.
3 It's not white. It's somewhat gray, at certain
4 times, on what can be used for promotion and what
5 can't be used for promotion. So I do know that
6 there is some structure in place that the
7 American Egg Board is -- I don't want to use the
8 word entity -- has responsibilities to comply
9 with USDA structure for the operation of the
10 American Egg Board as a check off program.

11 That would be -- so I don't know. I
12 can't say like specific details other than that
13 because I don't know. That's why I wouldn't say
14 them.

15 MR. REYNOLDS: Are you aware that the
16 Egg Research and Promotion Act are sometimes
17 referred to as the Ac?

18 MR. PIERCE: No. I don't know if I've
19 heard that said before.

20 MR. REYNOLDS: Okay. Who from the
21 Executive Committee was a point of contact for
22 Joanne Ivy from 2013 to the present?

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1 MR. PIERCE: I would say the chairman
2 which currently Paul Sauder from Sauder Eggs is
3 the Chairman. His term is ending now in March of
4 16. That means he started in March of 14.
5 From March of 14 through March of 16 was Paul
6 Sauder which means that from March of 13 to
7 March of 14 would have been Roger Deffner. And
8 that means from March of 12 to March of 13
9 would have been Chris Pierce. It would have been
10 myself.

11 MR. REYNOLDS: Okay.

12 MR. PIERCE: I'm just thinking in my
13 head the time line.

14 MR. REYNOLDS: Thank you. Are you
15 familiar with Josh Tetrick who is the owner of
16 Hampton Creek and his products that include
17 Beyond Eggs and Just Mayo?

18 MR. PIERCE: I'm familiar with him
19 since the investigation was announced. I
20 wouldn't say I was familiar with that name during
21 the period of time you're talking about. I mean
22 I've followed releases and things such as that,

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1 but during that period of time I would have said
2 I said I don't remember that name. Now I know
3 that name because of the different aspects of the
4 investigation.

5 MR. REYNOLDS: When was that when you
6 said you became aware of the name?

7 MR. PIERCE: To my memory, it was when
8 some of the news releases came out. I'm guessing
9 in 2015, this might have been -- again, this is
10 my memory was maybe like spring of 2015 when some
11 press releases, stuff was on line, was carrying
12 the whole Joanne Ivy and some of the accusations
13 and relationships with Hampton Creek. That's the
14 knowledge of when that name became familiar to
15 me.

16 MR. REYNOLDS: What about the product
17 Beyond Eggs?

18 MR. PIERCE: I've heard of Beyond Eggs
19 when it was being developed. I remember them
20 talking about a non-egg mayonnaise. So when I
21 heard about that? Oh boy, going off memory, it's
22 not exactly -- I would say probably about 2012,

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1 13, 2014 in that range. Whenever it was being
2 released I've heard of it.

3 MR. REYNOLDS: How did you first hear
4 about it?

5 MR. PIERCE: I don't remember how I
6 first heard about it.

7 MR. REYNOLDS: Do you remember who you
8 heard it from?

9 MR. PIERCE: I would have heard it
10 online, like through the internet, like it would
11 have been press releases about this new product
12 coming out. It would have been, to my knowledge,
13 the first time I heard about it.

14 MR. REYNOLDS: And what were your
15 thoughts when you first became aware of Beyond
16 Eggs?

17 MR. PIERCE: That there's another
18 option out there. We're a country of options.
19 If you want to buy a Hummer or a Prius, there's
20 options. That's just another option.

21 MR. REYNOLDS: Did you view Beyond
22 Eggs as a competitor against the egg industry?

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1 MR. PIERCE: Probably not. That's a
2 good question. Competitor. Not so much a
3 competitor, but it could have impact in
4 consumers' choices. There's lots of egg
5 replacers out there, so when egg prices are high,
6 like from the food manufacturing, Tastykakes,
7 Haagen Dazs ice cream, or Mrs. Stauffer's
8 lasagna, people who use eggs as an ingredient, so
9 if the egg price is high, there may be times
10 whatever attribute the egg offers, they may look
11 for something they can use to meet that same
12 benefit the egg has but without using the egg to
13 make the ingredient less expensive.

14 So I kind of looked at Just Beyond --
15 I'm sorry, what was it called again?

16 MR. REYNOLDS: Beyond Eggs.

17 MR. PIERCE: Beyond Eggs, as being
18 another option like that. So I would say I
19 didn't see it as a competitor, just something
20 that will have some potential, have some consumer
21 following. It wasn't like red flags to me.

22 MR. REYNOLDS: When you say impact,

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1 was that a positive impact towards the egg
2 industry?

3 MR. PIERCE: I would say a negative,
4 a negative in regards to maybe somebody would use
5 that instead of an egg product.

6 MR. REYNOLDS: And can you name some
7 of the other egg replacements on the market?

8 MR. PIERCE: No. Actually, I can't.
9 Our business, we solely deal with shell eggs. We
10 sell the eggs that you buy in your grocery store
11 in the carton, so I don't do anything in the
12 further process. In our world, there's -- the
13 further process is the ingredient, the liquids
14 and powders. We don't do any of that. So I
15 think if I was in that business, I probably would
16 know what that was, but I don't.

17 MR. MEYER: And the shell eggs aren't
18 used for egg replacers?

19 MR. PIERCE: No, there's no replacers
20 for shell eggs at this point in time.

21 MR. REYNOLDS: So, you don't know any
22 other -- approximately how many other -- how many

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1 egg replacer companies are out on the market?

2 MR. PIERCE: I have no idea.

3 MR. REYNOLDS: Did the Egg Board,
4 including the Executive Committee, ever speak of
5 Beyond Eggs?

6 MR. PIERCE: I remember discussion
7 about Beyond Eggs. I don't remember what the
8 content was.

9 MR. REYNOLDS: When was this
10 discussion?

11 MR. PIERCE: Oh my gosh. I don't
12 remember exactly. Again, probably in that 2012-
13 2013, probably in -- I'm guessing, in that range.
14 Like I don't remember what the content was. I
15 remember talking about Beyond Eggs, but I don't
16 remember specifics.

17 MR. REYNOLDS: Do you remember who was
18 involved in the discussion?

19 MR. PIERCE: I don't.

20 MR. REYNOLDS: And where the
21 discussion was held?

22 MR. PIERCE: It would have been at a

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1 Board meeting because that's the only time I
2 really interact with other people that are on the
3 Board. There's three Board meetings a year.
4 There's one in March, July, and November. So it
5 would have been a Board meeting because I really
6 don't have interaction with AEB business really
7 outside of those three Board meetings.

8 MR. REYNOLDS: And was there ever
9 discussion in reference to Hampton Creek which --

10 MR. PIERCE: Which is the company that
11 owns it. Yes, I remember hearing the name, but
12 -- yes, there probably would have been, probably
13 in the same conversation of Beyond Eggs is
14 Hampton Creek, but I don't remember the person's
15 name, Brian whatever you said. But I would say
16 yes, that would have probably been the same time
17 was Chevy F-150, excuse me, Ford F-150, that's
18 how we say the name and the product. So it would
19 have been in the same conversation.

20 MR. REYNOLDS: What about the product
21 of Just Mayo? When did you become aware of that
22 product?

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1 MR. PIERCE: Probably around the same
2 time as when I heard the name and heard of the
3 Beyond Eggs.

4 MR. REYNOLDS: During the
5 conversations that you said you were -- when you
6 heard these names and it was discussed, was there
7 any discussion on how to respond to Beyond Eggs
8 coming on to the market?

9 MR. PIERCE: No. I mean I don't think
10 there was worry about the eggs coming into the
11 market. Like I don't remember any concentrated
12 focus that was going to target anything or do
13 something about this. Like I don't remember
14 anything like that.

15 MR. REYNOLDS: Did the Executive
16 Committee authorize the use of American Egg Board
17 funds to use in response to Beyond Eggs?

18 MR. PIERCE: I can answer that two
19 ways. I can answer that I've heard in the last
20 couple of months that we did, like in the last
21 couple of months I've heard that we did.

22 MR. MEYER: Well, in allegations that

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1 we've heard --

2 MR. PIERCE: Yes, I've heard
3 allegations that we did, but during the time I
4 don't remember that. So I don't know how you
5 want me to answer. There's stuff I've heard
6 about in the last couple of months since the
7 investigation has taken place that I heard
8 things, but do I respond --

9 MR. REYNOLDS: Just what direct
10 knowledge you have.

11 MR. PIERCE: Okay, sure. I don't
12 remember authorizing money -- say the question
13 again? Was it targeting? What was the word?

14 MR. REYNOLDS: Did the Executive
15 Committee authorize the use of American Egg Board
16 funds to be used in response to Beyond Eggs?

17 MR. PIERCE: I don't remember
18 specifically against Beyond Eggs. There's
19 research that's done to try to compare the
20 attributes of a replacer versus the real thing.
21 So there's -- the American Egg Board's job is to
22 have knowledge of what the real egg can do in a

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1 product versus something that is trying to be
2 used to replace the real egg. So does it make
3 foaming good? Does it make the flavor or the
4 texture.

5 The American Egg Board, I know, does
6 research in trying to know how does this really
7 compare. Oh, you're making chocolate chip
8 cookies, you've got to use the whole egg because
9 it makes them taste richer, better, versus well,
10 they taste stale or something. So I know that
11 the American Egg Board, the staff does that
12 research to be able to know how these two
13 compare. But I would say that I don't remember
14 anything specifically on Beyond Eggs, but I do
15 remember like having discussion on resources to
16 know how replacers do.

17 MR. REYNOLDS: Did you, Chris Pierce,
18 ever authorize the use of American Egg Board
19 funds to be used in response to Beyond Eggs?

20 MR. PIERCE: I don't remember.

21 MR. REYNOLDS: And were American Egg
22 Board funds, to your knowledge, used in response

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1 to -- I already spoke to you about Beyond Eggs --
2 Hampton Creek, also in response to Mr. Josh
3 Tetrick?

4 MR. PIERCE: Were they used in --

5 MR. REYNOLDS: In response to Mr.
6 Tetrick, when his product came on to the market?

7 MR. MEYER: To your knowledge, were
8 AEB funds used in response to --

9 MR. PIERCE: To that specific company
10 or individual? Not that I recall for like that
11 individual. Again, I know that they do research
12 to try to compare the benefits of egg replacers
13 versus the real egg products. I don't remember
14 specifically using them for that purpose,
15 specific purpose.

16 MR. REYNOLDS: Were you aware Joanne
17 Ivy proclaimed that Anthony Zolezzi who I
18 understand to be a consultant who has worked with
19 Tom Hall, could stop the distribution of Beyond
20 Eggs at Whole Foods with just a phone call?

21 MR. PIERCE: I'm not aware of that.
22 I don't know who Tom Hall is or Anthony.

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1 MR. REYNOLDS: Have you ever heard of
2 Anthony Zolezzi?

3 MR. PIERCE: I've heard about him in
4 the last couple of months, but not during that
5 time.

6 MR. REYNOLDS: Before that time.

7 MR. PIERCE: I don't remember hearing
8 that name before.

9 MR. REYNOLDS: Were you further aware
10 that Joanne Ivy mentioned she followed up on this
11 offer and was anxious to see how it went?

12 MR. PIERCE: I don't recall. You
13 might help me recall. That sounds good.

14 MR. REYNOLDS: We will see.

15 MR. PIERCE: That sounds good. That's
16 my name there. I see that. I see Chris -- I'm
17 looking at an email for the guy typing. Okay.

18 MR. REYNOLDS: I'm showing Mr. Pierce
19 an email from Joanne Ivy to him and others dated
20 December 4, 2013 with the subject "Meeting with
21 Tom Hall Update." The email reads in part: "For
22 instance, Mr. Zolezzi proclaimed that he could

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1 stop the distribution of Beyond Eggs at Whole
2 Foods with just a phone call. I have already
3 followed up on this offer and am anxious to see
4 how it goes."

5 Is that your name at the top?

6 MR. PIERCE: Yes, that's my name on
7 top.

8 MR. REYNOLDS: Do you see anybody from
9 the USDA on this email list?

10 MR. PIERCE: I don't see any email
11 addresses in the -- the to, the email to. I do
12 not see any email addresses, any USDA
13 individuals.

14 MR. REYNOLDS: Did you ever notify
15 anyone from USDA of this email?

16 MR. PIERCE: I don't remember. I
17 don't think I did, but I don't remember.

18 MR. REYNOLDS: Did you receive this
19 email?

20 MR. PIERCE: Other than you showing it
21 to me, I don't remember receiving it.

22 MR. REYNOLDS: Do you know what this

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1 email was about?

2 MR. PIERCE: Well, by reading it, it
3 looks like there's going to be a meeting of egg
4 industry people with this seasoned advertising
5 professional. It looks like there was a meeting
6 of individuals with somebody that can provide
7 services similar to those that are providing
8 services to the American Egg Board. I see Grey,
9 Starcom and Edelman.

10 MR. REYNOLDS: Was Mr. Zolezzi ever
11 mentioned at an Egg Board meeting that included,
12 obviously, Egg Board members?

13 MR. PIERCE: I don't remember.

14 MR. REYNOLDS: Do you ever recall
15 meeting Mr. Zolezzi?

16 MR. PIERCE: I don't ever remember
17 meeting Mr. Zolezzi.

18 MR. REYNOLDS: Was he ever present at
19 any meeting of the Egg Board?

20 MR. PIERCE: I don't believe so, but
21 I don't recall. I'm waiting for you to tell me,
22 was he at a meeting? Honestly, okay, I don't

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1 ever remember meeting a Mr. Zolezzi.

2 MR. REYNOLDS: And to your knowledge
3 did Mr. Zolezzi ever speak at a meeting that
4 included Board members?

5 MR. PIERCE: Not to my memory.

6 MR. REYNOLDS: After reading this
7 email which shows that it was sent to you, can
8 you explain to me what contacting Mr. Zolezzi to
9 remove Beyond Eggs off of the shelf of Whole
10 Foods has to do with the promotion of eggs, egg
11 products, spent fowls or products of spent fowls?

12 MR. MEYER: Sorry, does this refer to
13 Whole Foods anywhere?

14 MR. PIERCE: That's what I'm reading.

15 MR. MEYER: There it is right there.

16 MR. PIERCE: "It does appear that
17 they're a well-connected group. They could
18 potentially benefit the whole egg industry. He
19 proclaimed he could stop the distribution of
20 Beyond Eggs with just a phone call. I've already
21 followed up and I'm anxious to see how it goes."

22 I don't remember that, but I was

Exhibit 47

1 copied on that email.

2 MR. MEYER: I'm sorry, what was the
3 question again?

4 MR. REYNOLDS: Sure, not a problem.
5 After reading that email, and I understand you
6 did not write it, but it was sent to you.

7 MR. PIERCE: Sure.

8 MR. REYNOLDS: Can you explain to me
9 what contacting Mr. Zolezzi to remove Beyond Eggs
10 off the shelf of Whole Foods had to do with the
11 promotion of eggs, egg products, spent fowls, or
12 products of spent fowls?

13 MR. PIERCE: I can't tell you. I
14 can't tell you because I don't know. Why say
15 something, if I can't complete it?

16 MR. REYNOLDS: Did you have any other
17 comment in reference to the email?

18 MR. PIERCE: No. So that was December
19 4 of 13. Nope. I don't remember that.

20 MR. REYNOLDS: Did you ever give your
21 approval to Joanne Ivy for the American Egg Board
22 to budget \$59,500 to address the Beyond Eggs

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1 situation?

2 MR. PIERCE: I don't remember. We
3 approve a lot of different motions serving on the
4 Executive Committee. And some are strictly
5 Executive Committee and some of them are full
6 Board, full Egg Board motions. I don't remember,
7 but I'm waiting for you for to tell me maybe that
8 I did. But anyways --

9 MR. REYNOLDS: To your knowledge, what
10 was the Beyond Eggs situation?

11 MR. PIERCE: From that email, Beyond
12 Eggs situation?

13 MR. MEYER: Yes, I mean not based on
14 the email, but based on --

15 MR. PIERCE: Based on my knowledge?

16 MR. MEYER: Yes.

17 MR. PIERCE: I don't remember saying
18 that I felt it was a situation so maybe if
19 somebody else identifies the situation. The
20 situation -- I don't know what that implied as a
21 situation. I don't have an answer for that.

22 MR. REYNOLDS: I'm showing Mr. Pierce

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1 an email from Joanne Ivy to him and other members
2 of the Executive Committee, dated December 16,
3 2013 with the subject "Beyond Eggs Budget." The
4 email reads in part: "To Executive Committee:
5 As you are aware, Beyond Eggs has received a lot
6 of publicity lately, mainly because of the
7 partnership with Bill Gates. I am attaching a
8 budget to address this situation. We do not have
9 a budget at this time. However, we went ahead
10 with a few activities because of timeliness, but
11 we feel we need to have a budget to not only
12 respond when appropriate, but also be on the
13 offense and not the defense."

14 Ivy also mentioned, "I would
15 appreciate your response ASAP on this budget for
16 \$59,500 to address the Beyond Eggs situation from
17 Special Projects. If you approve, simply respond
18 with yes. If you have any questions, please let
19 me know. Joanne."

20 MR. PIERCE: Sure. So do you have a
21 question for me that I can give a response?

22 MR. REYNOLDS: Did you receive this

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1 email?

2 MR. PIERCE: I must have. My name is
3 on there and I show that I responded because that
4 is my name on there, so I would say yes, I did
5 respond to that.

6 MR. REYNOLDS: And what was your
7 response?

8 MR. PIERCE: My response was yes and
9 actually I have in the wording some public
10 record, "Thanks for the leadership and action
11 you're giving to this important topic."

12 MR. REYNOLDS: And what did you mean
13 by this statement?

14 MR. PIERCE: That ties back to what I
15 said earlier. The American Egg Board is
16 responsible to meet their congressional
17 obligation of research to promote eggs. They
18 have to be able to know what the science says are
19 the different benefits of eggs versus egg
20 replacers. So if you're going to stick some
21 magic fuel in your gas tank and you're used to be
22 running on gasoline, somebody is going to make

Exhibit 47

1 sure -- the gasoline company is going to want to
2 know will his car fall apart if he puts this
3 special liquid in there? Not that they will do
4 anything bad to that special liquid company, but
5 more so so they can know how does their petroleum
6 compare to it.

7 And the same thing from eggs. The
8 American Egg Board on behalf of the egg farmers
9 is really responsible to know what is the -- I
10 use the word competition -- what are the other
11 products available in the marketplace that could
12 be used by consumer or a user of eggs that are
13 competition for a user of eggs, whether that's a
14 person buying a shell egg or a person buying a
15 component of what eggs are used for.

16 So I take it that -- my take, my
17 memory on this was they're going to use these
18 resources, that financial or whatever that dollar
19 amount was to find out more science so that they
20 can speak on behalf of what the benefits of eggs
21 are.

22 MR. REYNOLDS: Do you know why this

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1 was named Beyond Eggs? You mentioned about egg
2 replacers, but this particular into a product.

3 MR. PIERCE: Yes. I didn't write the
4 email, so I don't know what Joanne's intentions
5 were. I looked at it just as a name of something
6 that's an example, like this is Beyond Eggs.

7 MR. MEYER: Like a catch all for egg
8 replacers?

9 MR. PIERCE: Yes, I mean I think that
10 it probably would have been just like do research
11 on what the benefits of that product are in
12 addition to other products like looking -- I
13 think that probably was -- I'm guessing. It was
14 probably named specifically Beyond Eggs because
15 they wanted to know what is the components of
16 Beyond Eggs, like how does that mayonnaise taste?
17 Or what does that do? I'm not a scientist like
18 if you mix that tuna fish how does that -- does
19 it separate? Does it divide? Like there's
20 research that's done to know how a competitor's
21 product acts or responds so that you can know how
22 to compare your product to that product.

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1 MR. REYNOLDS: Are you saying there
2 was no budget for research before --

3 MR. PIERCE: No. There's a big
4 budget. There's \$22, \$24 million annual budget
5 for the American Egg Board. Don't ask me any of
6 the breakdowns because I don't know, but there
7 are different divisions that the money goes
8 towards, but my guess would be that it was to
9 find out more about Beyond Eggs about that
10 product. Just like I said, how does that
11 compare? I'm trying to explain. I'm using a lot
12 of words. How does that product compare so that
13 we know how to say oh, eggs, they foam a lot
14 better. Or eggs, they mix with the tuna fish
15 really well and they don't separate or they don't
16 taste fishy or oily. That's how I interpret what
17 that purpose was.

18 MR. REYNOLDS: And you had also
19 mentioned in your response about an action plan.
20 What was the action?

21 MR. PIERCE: Action plan. "Thanks for
22 your leadership and the action plan you're

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1 giving."

2 Action plan is that there's a plan
3 you're moving forward with, like you're asking
4 for this research and without me reading the
5 whole thing, action plan -- action plan wasn't 20
6 bullet points. Action plan was that there's a
7 plan to have action to do research to compare
8 what the benefits of this product is. At least
9 that's how I looked at it.

10 MR. REYNOLDS: And also in her email
11 she had mentioned -- she had went ahead with a
12 few activities because of timeliness. Did you
13 ever to your knowledge, did you ever get
14 information on what those few activities were?

15 MR. PIERCE: Not to my knowledge,
16 other than reading it right there. We went ahead
17 with a few activities. I don't know what her
18 intentions were or what she was implying.

19 MR. REYNOLDS: Okay, and further down,
20 to your knowledge she had mentioned about being
21 on the offense and not the defense. To your
22 knowledge, what was being on the offense?

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1 MR. PIERCE: Being on the offense?
2 I'll turn this off. If I had to say the offense,
3 like promoting the good news, like you're just
4 promoting the benefits of a product. That's
5 offense. And the defense -- in the egg world,
6 defense is you're trying to respond to problems.
7 On the offense, you're trying to promote the good
8 news. So that's what I would say the offense is.

9 MR. REYNOLDS: What factored into your
10 decision to say yes to the budget request?

11 MR. PIERCE: That I felt it was
12 probably good for us to be able to know how our
13 products stand -- how eggs stand up compared to
14 Beyond Eggs. I'm just reading through this
15 email. If you had showed this to me, I would
16 have said like I don't know what you're even
17 talking about, but by reading the email you've
18 given me, my support of this motion would have
19 been that I think it is good for us to be able to
20 know how eggs, egg products compared to Beyond
21 Eggs products.

22 MR. REYNOLDS: Did you take into

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1 consideration what the Egg Research and Promotion
2 Act said in making your decision?

3 MR. MEYER: His decision to respond --

4 MR. PIERCE: To say yes?

5 MR. REYNOLDS: Yes, to respond to this
6 email in reference to the \$59,500 Beyond Eggs
7 budget.

8 MR. PIERCE: I would say that I didn't
9 like read through the -- I didn't look at the
10 promotion to say does this meet the guidelines
11 which this structures. But in my mind, I felt
12 like I had an understanding of what was expected
13 in order to comply with that research promotion
14 and I would feel that it meets the guidelines of
15 that promotion because in order to provide to do
16 research and promotion, you need to be able to
17 know how your product stands compared to other
18 products. That's part of having a strong
19 foundation of knowing how you can proclaim your
20 products when you know if it's better than a
21 competitor's product that's part of being able to
22 communicate the benefits of your products. So

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1 that's how I looked at it.

2 MR. REYNOLDS: When you say you felt
3 from your understanding, where did your
4 understanding come from?

5 MR. PIERCE: Based on the fact on the
6 original guidelines that I didn't memorize, in
7 the paragraphs and the 20,000 words or whatever
8 it is, based on my knowledge of what the
9 structure is of the responsibilities that the
10 American Egg Board has and the Egg Board to meet
11 USDA's guidelines.

12 And I've had interaction over the
13 years, like at Board meetings when Angie Snyder
14 was in that role, marketing. I can't say that
15 eggs will make you sexy because there's not
16 enough science to say can you really prove that
17 they will? But I can say that eggs increase your
18 level of lutein or choline because there's going
19 to be science behind that.

20 So I know that you can't just make
21 false claims. They have to be grounded claims.
22 It's like I know there's a good structure in

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1 place for the Egg Board as a check off that kind
2 of sets the dos and don'ts. Some of it is gray.
3 Some of it is vague. Some of it is like that,
4 but I understand that structure. So that was my
5 knowledge of how I understand based on the answer
6 I just gave you.

7 MR. REYNOLDS: Did you see anyone from
8 the USDA on this email?

9 MR. PIERCE: Other than your name up
10 top, no. Your name is up top because it was just
11 forwarded to you afterwards. I don't see
12 anybody's name. And to be honest with you, I
13 don't usually, when I get an email, I don't
14 usually look at who received the email. I don't
15 usually look at whose names are on that email.
16 Like if I get an email, I don't look to say oh,
17 Leon got it and Chris got it. I don't usually
18 look at names on emails.

19 MR. REYNOLDS: Can you explain to me
20 to your knowledge what approving a budget for
21 \$59,500 to address a Beyond Eggs situation had to
22 do with the promotion of eggs, egg products,

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1 spent fowls or products of spent fowls?

2 MR. PIERCE: Sure. I kind of gave an
3 answer to that earlier. I felt that that -- this
4 motion and the approval was to know how egg
5 products compare to Beyond Eggs in the situation,
6 to be able to use from a marketing promotional
7 standpoint.

8 MR. REYNOLDS: Did you have any
9 further information concerning this email?

10 MR. MEYER: Just wanted to -- you
11 referred to the Beyond Eggs situation.

12 MR. PIERCE: It says it up top here.

13 MR. MEYER: It says it at the top?

14 MR. PIERCE: Yes, it's the second
15 part. "To address the Beyond Eggs situation."

16 MR. MEYER: Sorry, I was just wanted
17 to make sure.

18 MR. PIERCE: No, nothing else stands
19 out.

20 MR. REYNOLDS: To your knowledge, any
21 further information?

22 MR. PIERCE: Not to my knowledge.

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1 MR. REYNOLDS: Now on these many
2 meeting notes, the minutes from the Executive
3 Committee meeting of the American Egg Board and
4 this is on March 12, 2014 at the Hilton Rosemont,
5 Chicago O'Hare. It has you listed as being
6 present as an ex-officio.

7 MR. PIERCE: Official, yes.

8 MR. REYNOLDS: What is an ex-officio?

9 MR. PIERCE: I was the prior chairman
10 of the American Egg Board, so I wasn't -- the
11 prior chairman also serves on the Executive
12 Committee. So the person who is the chairman
13 prior to the current person serves on the
14 American Egg Board, so of course, when the
15 chairman listed on this meeting, Roger Deffner,
16 when his term was completed, he became the ex-
17 officio and I was not on it any more. Yes,
18 that's correct.

19 MR. REYNOLDS: Did you have a vote as
20 the ex-official?

21 MR. PIERCE: Yes, I'm sure I did. An
22 ex-officio, I have a vote, yes.

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1 MR. REYNOLDS: And who could vote on
2 a motion at the Executive Committee meeting?

3 MR. PIERCE: Executive Committee
4 members, not Committee chairpersons. So the
5 document we're looking at from March 12, 2014 has
6 the list of four different Committee
7 chairpersons. Those individuals do not have to
8 my knowledge of the structure of the organization
9 of the Executive Committee, the chairmen don't
10 have -- the Committee chairpersons don't have the
11 ability to vote, only the Executive Committee
12 members and the ex-officio, me. Joanne Ivy, to
13 my knowledge, the President of the American Egg
14 Board, does not have a vote. It is the farmers
15 who are on the Executive Committee including the
16 ex-officio.

17 MR. REYNOLDS: And who could vote
18 according to this?

19 MR. PIERCE: According to this? I
20 would say Roger Deffner, Blair Van Zetten, Paul
21 Sauder, Andrew Reichman, and Chris Pierce. Let
22 me make sure. Executive Committee absent,

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1 Executive Committee member. To my knowledge,
2 that's who could vote on that.

3 MR. REYNOLDS: What does unanimous
4 vote mean during an Executive Committee meeting?

5 MR. PIERCE: That means nobody
6 abstained and all voted the same way. Nobody
7 abstained, and everybody voted the same way, if
8 it's recorded correctly.

9 MR. REYNOLDS: I'm showing you in a
10 minute, page two.

11 MR. PIERCE: Sure.

12 MR. REYNOLDS: "Ivy reported that the
13 Executive Committee needed to consider carrying
14 over the balance of the \$59,500 funds allocated
15 for the Beyond Eggs program. A motion was made
16 by Van Zetten. Seconded by Sauder to carry over
17 the balance in the amount of \$46,404 to 2014.
18 Motion was approved unanimously. So does that
19 mean you approved for this motion to be carried?

20 MR. PIERCE: I would say if it
21 documents it that way, and I was at that meeting,
22 I would say yes.

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1 MR. REYNOLDS: In doing the math,
2 \$59,500 minus \$46,404, that's a difference of
3 \$13,000 plus.

4 MR. PIERCE: Okay.

5 MR. REYNOLDS: Sounds like it was
6 used. Do you know what that money was spent on
7 specifically to your knowledge?

8 MR. PIERCE: To my knowledge, I don't
9 have any idea.

10 MR. REYNOLDS: Did Ivy ever state
11 during that meeting what the money was spent on?

12 MR. PIERCE: Not to my recollection.

13 MR. REYNOLDS: Did you see any
14 potential violation of the Act with the approval
15 of the money for a Beyond Eggs budget?

16 MR. PIERCE: No. I don't remember
17 everything, but based on the minutes you're
18 showing me, if I would have had concerns that
19 it's not complying with the structure of USDA, it
20 would have been discussed, especially since Emily
21 -- I can't remember her last name -- Emily was in
22 that meeting with us because USDA always sits in

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1 on the Executive Committee meetings. I don't
2 remember any red flags like that it was
3 inappropriate, nothing like that.

4 MR. REYNOLDS: I'll also ask that same
5 question, did you see any potential violation of
6 the Act with the approval given Joanne Ivy the
7 yes vote in reference to the Beyond Eggs
8 situation in the previous email that was in
9 December of 2013?

10 MR. PIERCE: No, I didn't. I didn't
11 see that there was anything intentional that was
12 violating the rule.

13 MR. REYNOLDS: Did you consider the
14 Egg Research and Promotion Act when making your
15 decision to vote for this motion to be carried?

16 MR. PIERCE: I would say yes. I would
17 say yes, because that's when you're serving on
18 the Executive Committee, you're using your
19 knowledge to what meets the -- without having --
20 I don't have details, but the intention was that
21 I believe that these actions fell within the
22 grounds of what was acceptable.

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1 MR. REYNOLDS: Did you want to read
2 the motion again as well as the piece of Ivy or
3 any other portion?

4 MR. PIERCE: Are you going to ask me
5 more questions on it that I need to be aware of?

6 MR. REYNOLDS: Yes.

7 MR. PIERCE: Sure, let me read it
8 again. "Ivy commented on the 2014 budget and
9 pointed out the automatic carryover for the
10 nutritional research. She also mentioned that
11 several -- most committees would have carryovers
12 that we presented to the Committee meeting to
13 come to the Board for final approval. I report
14 that the Executive Committee needs to consider
15 carrying on the balance of the \$59,500 funds from
16 Beyond Eggs program. The motion was made by
17 Blair Van Zetten. Seconded by Sauder to carry
18 over the balance of the \$46,404, July 14. The
19 motion was approved and unanimous."

20 I'm ready for the next question.

21 MR. REYNOLDS: After having the Beyond
22 Eggs budget information from the March 2014

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1 meeting read to you and you had to opportunity to
 2 read it, can you please explain to me to your
 3 knowledge of how carrying over a budget, Beyond
 4 Eggs budget balance of \$46,404 assisted with the
 5 promotion of eggs, egg products, spent fowls, or
 6 products of spent fowls?

7 MR. PIERCE: It would be a similar
 8 answer to what I gave before, that my knowledge
 9 of what I believe the intention was to be able to
 10 do competitive research on how our competitor's
 11 product operates, a non-egg product operates
 12 compared to an egg product, that they just didn't
 13 -- for whatever reason didn't use those funds in
 14 that period of time. So they were going to carry
 15 those funds over to continue the research in how
 16 Beyond Eggs products compared to egg products.
 17 So like the same intent of why the initial
 18 December of -- I'm pointing for the record --
 19 December of 2013 approval of the motion that I
 20 gave was based on supporting that there's need
 21 for research and how these compare. And the 2014
 22 March was just to continue that same intention.

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1 MR. REYNOLDS: Now you're saying these
2 intentions, is this what somebody clearly said or
3 this is what year?

4 MR. PIERCE: This is my -- no, I don't
5 remember somebody saying this is my
6 interpretation. Jogging my memory, based on what
7 I'm reading, this is what my interpretation of
8 what I believe was happening.

9 MR. REYNOLDS: But no one said that's
10 what specifically --

11 MR. PIERCE: No, I wouldn't say that
12 anybody said that this is what it is.

13 MR. REYNOLDS: And that includes first
14 the Beyond Eggs situation budget of \$59,500, is
15 that correct?

16 MR. PIERCE: That is correct.

17 MR. REYNOLDS: And now going to this
18 motion, that wasn't what somebody specifically
19 said hey, that's what the money was spent on?

20 MR. PIERCE: I don't remember anybody
21 saying that or to the contrary. Like I don't
22 remember any purpose being communicated.

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1 MR. REYNOLDS: Okay. On both?

2 MR. PIERCE: On both. That's correct.

3 Sorry, my responses were based on what I'm
4 reading, what my mind frame was, what I'm
5 thinking.

6 MR. REYNOLDS: But you don't remember
7 anyone specifically saying what the money was
8 going to be spent on from these minutes?

9 MR. PIERCE: From the December or the
10 March of -- December of 13 or March of 14, no,
11 I don't.

12 MR. REYNOLDS: Did you ever hear
13 Joanne Ivy mention at a Board meeting Beyond Eggs
14 could be a huge threat to the egg industry?

15 MR. PIERCE: I don't recall it. Maybe
16 you're going to show me something that she did
17 say it, but I don't recall it.

18 MR. REYNOLDS: Did you ever contact
19 anyone from USDA concerning any of the
20 information we discussed?

21 MR. PIERCE: No, I haven't.

22 MR. REYNOLDS: And that includes Mr.

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1 Zolezzi contacting Whole Foods?

2 MR. PIERCE: No, I had not talked to
3 anybody within USDA.

4 MR. REYNOLDS: The budget, the Beyond
5 Eggs budget request and approval of December of
6 2013?

7 MR. PIERCE: No, I didn't.

8 MR. REYNOLDS: Or the information from
9 the March 12, 2014 Executive Committee meeting?

10 MR. PIERCE: No, but USDA was in
11 presence of that meeting. So again, Emily DeBord
12 was at that Board meeting and documented in the
13 minutes that you've identified from March 12,
14 2014 as being present at that Board meeting.

15 MR. REYNOLDS: Did you ever have any
16 dialogue with Emily?

17 MR. PIERCE: How are you doing? What
18 do you think of the weather? Nothing deep, just
19 general, welcoming -- I remember welcoming her to
20 the Board and glad that she's here.

21 MR. REYNOLDS: What about Kenny Payne?

22 MR. PIERCE: Same thing. I don't

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1 remember any specific topics or details, but I'm
2 a friendly person, so I want to make a person
3 feel welcome.

4 MR. REYNOLDS: Okay. And did you have
5 any communication with any USDA employee to
6 include Kenny Payne, Emily DeBord, Angie Snyder
7 as it related to your decision on the Beyond Eggs
8 budget situation in December of 2013?

9 MR. PIERCE: No, I'm shaking my head
10 no. I don't remember having any dialogue with
11 any USDA people about that Beyond Eggs budget.

12 MR. REYNOLDS: For the Zolezzi?

13 MR. PIERCE: For the Zolezzi name, the
14 meeting from one of the other emails earlier in
15 December of 13.

16 MR. REYNOLDS: Or with the March 2014
17 meeting?

18 MR. PIERCE: No, no discussion about
19 that topic.

20 MR. REYNOLDS: Are there any additions
21 or corrections you would like to make to your
22 statement?

Exhibit 47

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1 MR. PIERCE: No. I guess I'll see
2 what I said in written format. No.

3 MR. REYNOLDS: Counsel, did you have
4 anything?

5 MR. MEYER: Nothing.

6 MR. REYNOLDS: Is this statement true
7 and complete and correct to the best of your
8 knowledge, Mr. Pierce?

9 MR. PIERCE: Yes, it is.

10 MR. REYNOLDS: This concludes our
11 interview. The time is 11:30 a.m., Eastern
12 Standard Time.

13 (Whereupon, the above-entitled matter
14 went off the record at 11:30 a.m.)

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22
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Exhibit **47**

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Interview of Christopher Pierce

Before: USDA Compliance & Analysis

Date: 02-26-16

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.

Neal R Gross

Court Reporter

UNITED STATES DEPARTMENT OF AGRICULTURE

+ + + + +

COMPLIANCE & ANALYSIS

+ + + + +

IN RE: :
: :
INTERVIEW OF : AMS Compliance Branch
: Review L-014-15
ANDREW REICHMAN :

:

Friday,
February 26, 2016

The interview was conducted at 1400
Independence Avenue, S.W., Washington, D.C., at
1:00 p.m.

BEFORE:

LEON REYNOLDS, Assistant Branch Chief
JEFFREY SOTOSKY, Compliance Officer

Exhibit 48Page 1 of 44

APPEARANCES:

On Behalf of the Witness:

LUCAS C. MEYER, ESQ.
of: McLeod, Watkinson & Miller
One Massachusetts Avenue, N.W.
Suite 800
Washington, D.C. 20001
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Exhibit 48

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1 P-R-O-C-E-E-D-I-N-G-S

2 (1:09 p.m.)

3 MR. REYNOLDS: Good morning. Today is
4 Friday, February 26, 2016 and the time is 1:09
5 a.m. Eastern Standard Time.

6 MR. SOTOSKY: P.M.

7 MR. REYNOLDS: P.M. and we are located
8 in the South Building of the United States
9 Department of Agriculture.

10 My name is Leon Reynolds. And I am a
11 Compliance Officer with the Agricultural
12 Marketing Service, United States Department of
13 Agriculture.

14 This interview is being conducted as
15 part of an AMS Compliance Branch Review L-014-15.
16 The information provided in this interview will
17 be taken under oath and made part of the official
18 record or report for Compliance Branch Review L-
19 014-15.

20 Present for this interview are?

21 MR. SOTOSKY: Jeffrey Sotosky,
22 Compliance Officer, AMS Compliance Branch.

Exhibit 48

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1 MR. MEYER: Luke Meyer of McLeod,
2 Watkinson & Miller, counsel for American Egg
3 Board.

4 MR. REICHMAN: Andrew Reichman, P&R
5 Farms, Andrews, North Carolina, American Egg
6 Board member.

7 MR. REYNOLDS: Mr. Reichman, this
8 interview is being transcribed with your
9 knowledge and consent. Is this correct?

10 MR. REICHMAN: Correct.

11 MR. REYNOLDS: Mr. Reichman, could you
12 please say and spell your name for the
13 transcriber?

14 MR. REICHMAN: Andrew, A-N-D-R-E-W.
15 Reichman, R-E-I-C-H-M-A-N.

16 MR. REYNOLDS: Would you please stand
17 and raise your right hand?

18 WHEREUPON,

19 ANDREW REICHMAN
20 WAS CALLED AS A WITNESS BY THE U.S. DEPARTMENT OF
21 AGRICULTURE, AND AFTER HAVING BEEN FIRST DULY
22 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

Exhibit 48

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1 MR. REYNOLDS: Thank you. For
2 clarification, there may be times during this
3 interview where I will mention Egg Board and
4 American Egg Board. When I say Egg Board, I am
5 referring to the individuals who have been
6 appointed to such position by the United States
7 Secretary of Agriculture.

8 When I mention the American Egg Board,
9 I'm referring to the staff that is based outside
10 of Chicago, Illinois and was led by Joanne Ivy
11 who was the President and CEO of the American Egg
12 Board.

13 Do you understand?

14 MR. REICHMAN: Yes.

15 MR. REYNOLDS: What year did you
16 become a member of the Egg Board?

17 MR. REICHMAN: 2011, 2012. I'd have
18 to look back. I'm not sure. You may have it. I
19 do not.

20 MR. REYNOLDS: What year did you
21 become a member of the Executive Committee of the
22 Egg Board?

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1 MR. REICHMAN: Probably a year after
2 my first year on the Board which could have been
3 2013, 2014..

4 MR. REYNOLDS: Please explain the
5 duties and responsibilities of the Executive
6 Committee of the Egg Board?

7 MR. REICHMAN: I was only on the
8 Executive Committee for one term because I really
9 did not have any interest in moving up the chain.
10 We met early in the mornings before the full
11 Board met just to go over Joanne's, you know,
12 what actually was going on for the day. The
13 majority -- 90 percent -- I mean all the stuff of
14 the Executive Board mainly went to the full Egg
15 Board.

16 We okayed some expenditures. We
17 okayed some moving of money back and forth. That
18 was about it, really.

19 MR. REYNOLDS: Did you have oversight
20 of Joanne Ivy?

21 MR. REICHMAN: You know, I personally
22 never felt that I had oversight even though I was

Exhibit 48

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1 on that Board. I wasn't on that long enough to
2 grasp it really.

3 MR. REYNOLDS: What positions did you
4 have on the Executive Committee?

5 MR. REICHMAN: Just a member.

6 MR. REYNOLDS: What is the purpose of
7 the Egg Board?

8 MR. REICHMAN: The advertisement of
9 eggs and really to try and increase consumption.
10 Get eggs in a good view to everybody. And we
11 also have the Egg Nutrition Center. I was on
12 that Board which is involved in doing a lot of
13 research on university levels showing the
14 benefits of eggs and that eggs are not as harmful
15 as everybody seemed to think at one point in
16 time.

17 MR. REYNOLDS: In reference to the
18 purpose of the Egg Board, when you were saying
19 advertisement increased consumption, what kind of
20 advertising was there and how did you try to
21 increase consumption?

22 MR. REICHMAN: Personally, nothing.

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1 But as a Board, we looked at different
2 advertisements that were put together. Last
3 year, I'm sure everybody saw the Kevin Bacon
4 advertisement that came out. That's what we were
5 looking at more. And being on the Nutrition
6 Committee, we were more involved with the
7 research that was coming out of different
8 universities, whether the tests proved to be good
9 or tests proved to be not in favor. The studies
10 were done and whatever came out came out. We've
11 had some very good studies over the last few
12 years.

13 MR. REYNOLDS: As a member of the Egg
14 Board, did you interact with the American Egg
15 Board staff?

16 MR. REICHMAN: There was a lady named
17 Phyllis that I think was Joanne's assistant. I
18 talked to her on the phone a few times and that
19 was just more about logistics of meetings.
20 Talked to Joanne just at the meetings. Doctor --
21 a gentleman who is in charge of the Egg
22 Nutrition, talked to him, but only at the

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1 meetings. I mean there was never any -- I never
2 had any discussions other than just when are the
3 meetings, what time do we need to be there,
4 etcetera, etcetera.

5 MR. REYNOLDS: No other kind of
6 communication? When you conducted business as a
7 member of the Egg Board, what email address did
8 you use to communicate with others?

9 MR. REICHMAN: preggs1951@yahoo.com.

10 MR. REYNOLDS: As a member of the Egg
11 Board, were you familiar with the Egg Research
12 and promotion Act?

13 MR. REICHMAN: The Egg Research?

14 MR. REYNOLDS: And Promotion Act?

15 MR. REICHMAN: Yes.

16 MR. REYNOLDS: Were you also familiar
17 with the Act and other federal regulations
18 concerning the purpose of the Egg Board and use
19 of Egg Board funds?

20 MR. REICHMAN: To a certain extent,
21 not any in-depth degree, no. But I mean as a
22 producer, I paid the check off. It goes to the

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1 USDA and then the American Egg Board uses those
2 funds for the benefit of the producers in this
3 country.

4 MR. REYNOLDS: Okay. and what
5 knowledge do you have of the Act? The Egg
6 Research and Promotion Act?

7 MR. REICHMAN: That's the Act that was
8 originally passed years ago for the initial check
9 off? I mean is that the Act we're talking about?

10 MR. MEYER: Yes.

11 MR. REICHMAN: I mean all I really
12 know about it is just you voted yes or no whether
13 you're in favor of the check off and that started
14 the American Egg Board.

15 MR. REYNOLDS: And do you know of the
16 regulations in reference to what the Egg Board
17 funds are supposed to be used for?

18 MR. REICHMAN: For the betterment of
19 the egg industry. I mean it paid salaries,
20 etcetera, and that. I mean -- but the purpose is
21 for the betterment of the egg industry.

22 MR. REYNOLDS: I know you had said

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1 that the only time you had been in contact with
2 Ivy was during the time of the meetings was --
3 who was in contact with her outside of those
4 times during the meetings?

5 MR. REICHMAN: Who was in contact?

6 MR. REYNOLDS: Yes, who was the
7 primary person from the Executive Committee?

8 MR. REICHMAN: Out of the meetings
9 that we had, I really have no idea. I know the
10 last year since Joanne announced her retirement,
11 I'm sure Paul Sauder has been very involved
12 because he's the Chairman of the American Egg
13 Board and we were doing a search for a
14 replacement for Joanne.

15 MR. REYNOLDS: Are you familiar with
16 Josh Tetrick who is the owner of Hampton Creek
17 and his products to include Beyond Eggs and Just
18 Mayo?

19 MR. REICHMAN: No.

20 MR. REYNOLDS: You're not familiar
21 with him?

22 MR. REICHMAN: I mean I've heard of
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1 the firm. I don't know the individual.

2 MR. REYNOLDS: What have you heard?

3 MR. REICHMAN: I heard they came out
4 with a product that was, you know, I forget the
5 name of it, a substitute for mayonnaise. I heard
6 that Bill Gates had put money in it. Who else?
7 Some other venture capitalists who put some money
8 into the company.

9 MR. REYNOLDS: When did you hear the
10 information you just explained to me?

11 MR. REICHMAN: When did I hear it?

12 MR. REYNOLDS: Yes.

13 MR. REICHMAN: Bill Gates and people
14 investing, I read in the newspaper somewhere. I
15 guess I originally heard about the firm at an
16 American Egg Board meeting.

17 MR. REYNOLDS: Okay, and when was
18 that, the American Egg Board that you heard about
19 this stuff? I'm just trying to think --

20 MR. REICHMAN: Maybe some time in
21 2014. I'm not sure.

22 MR. REYNOLDS: And what was it that
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1 you heard?

2 MR. REICHMAN: Just about the Hampton
3 farms and they were coming out with a product,
4 Simply Eggs, no, Simply Mayo -- I forget what it
5 is. And then the biggest thing that I remember
6 hearing was that in order to have mayonnaise in
7 the name, you got to have eggs in it.

8 MR. REYNOLDS: And how would you
9 describe the two products Beyond Eggs and Just
10 Mayo, how would you describe those products?

11 MR. REICHMAN: You know, I've never
12 seen them. I haven't found anything about them.
13 The only thing I'll say about -- what was the
14 name of the first one?

15 MR. REYNOLDS: Beyond Eggs.

16 MR. REICHMAN: And what was the other
17 one?

18 MR. REYNOLDS: Just Mayo.

19 MR. REICHMAN: Just Mayo, that -- yes.
20 Just Mayo is really the one I heard the most
21 about. And the Just Mayo, the only thing I heard
22 about it was well, it doesn't have eggs in it so

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1 it can't be really mayonnaise. And I'm not sure
2 if that's an FDA --

3 MR. MEYER: It's an FDA thing.

4 MR. REYNOLDS: And with the product
5 Beyond Eggs, did you ever hear anything in
6 reference to -- some people describe it as an egg
7 replacer?

8 MR. REICHMAN: Never in reference to
9 just that company. I mean I've heard about egg
10 replacers a lot.

11 MR. MEYER: Did you say you hadn't
12 heard about it, Beyond Eggs, or did you say had
13 heard about it?

14 MR. REICHMAN: I had heard about it,
15 but a lot of talk about egg replacers in general.

16 MR. REYNOLDS: When did you hear about
17 Beyond Eggs being one of them?

18 MR. REICHMAN: Probably the same time
19 I heard about the Simply Mayo or whatever -- at
20 that time.

21 MR. REYNOLDS: And what other egg
22 replacers are you familiar with, brand names?

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1 MR. REICHMAN: I don't know of any
2 other.

3 MR. REYNOLDS: Approximately how many
4 other egg replacers are there on the market?

5 MR. REICHMAN: I have no idea.
6 They've probably come to the forefront more in
7 the last what eight or nine, ten months because
8 of egg prices. But I mean I don't know the names
9 of any of them.

10 MR. REYNOLDS: What do you mean by
11 because of egg prices?

12 MR. REICHMAN: Because egg prices are
13 up there and they're expensive and that's when
14 the producing people started looking at -- even
15 more looking at egg replacers because of cost.

16 MR. REYNOLDS: So with those egg
17 replacers, does that have a negative impact on
18 the egg industry?

19 MR. REICHMAN: I would say so, yes.
20 Take away from demand.

21 MR. REYNOLDS: In reference to, you
22 were saying Executive Committee had mentioned

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1 Beyond Eggs, had the Executive Committee
2 authorized the use of American Egg Board funds to
3 be used in response to Beyond Eggs?

4 MR. REICHMAN: I really don't
5 remember.

6 MR. REYNOLDS: Did the Executive
7 Committee authorize the use of American Egg Board
8 funds to be used in response to Just Mayo? I
9 think you sometimes have referred to it as Simply
10 Mayo.

11 MR. REICHMAN: I don't know about --
12 I don't remember funds being allocated. I just
13 remember it being in discussion about Simply
14 Mayo, much more so than Beyond Eggs. I don't
15 remember Beyond Eggs really being talked about
16 that much.

17 MR. REYNOLDS: What was the discussion
18 and who was present?

19 MR. REICHMAN: It was -- it didn't fit
20 the name. The name mayo could not be in there.

21 MR. REYNOLDS: Who was in the
22 discussion? Who was involved in the discussion?

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1 MR. REICHMAN: It was with the full
2 Board at some time, not just the Executive
3 Committee. I think it was discussed before the
4 full Board a little bit.

5 MR. REYNOLDS: Who was present by name
6 because I understand Board people come, Board
7 people go, depending on the year.

8 MR. REICHMAN: I can't remember which
9 Board members were there.

10 MR. REYNOLDS: What year was this,
11 sir?

12 MR. REICHMAN: I'm not -- I'm just
13 guessing, 2014. I was at the March, and I forget
14 the name, the date of the March meeting and we
15 were having dinner in Chicago. I forget what
16 hotel, outside of Chicago. And I ended up in the
17 emergency room that evening while we were at the
18 meeting. I don't even remember what the reason
19 was. I passed out. I had a skin issue and went
20 to the emergency room, was released there about
21 2, 3 o'clock in the morning. Missed -- I was
22 late for the meeting the next morning, but I came

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1 to the general Board meeting. So things at that
2 March meeting are just -- part of it I may not
3 have been there and part of it I was in the
4 emergency room that night.

5 MR. REYNOLDS: Did you ever authorize
6 the use of American Egg Board funds to be used in
7 response to Beyond Eggs?

8 MR. REICHMAN: There may have been.
9 I'm not sure if we had a motion to allocate some
10 funds. If the Board was in favor, I'm sure I
11 went along with it.

12 MR. REYNOLDS: But before that, there
13 was the time Ivy sent an email out, did you
14 respond in reference to her request for Beyond
15 Eggs situation budget?

16 MR. REICHMAN: I don't recall an
17 email.

18 MR. REYNOLDS: Were you aware that
19 Joanne Ivy proclaimed that Anthony Zolezzi, who I
20 understand to be a consultant who has worked with
21 Tom Hall, to stop the distribution of Beyond Eggs
22 at Whole Foods with just a phone call?

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1 MR. REICHMAN: I don't know those
2 names.

3 MR. REYNOLDS: You never heard of
4 Anthony Zolezzi or Tom Hall? Were you further
5 aware of Joanne Ivy mentioned she followed up on
6 this offer and was anxious to see how it went?

7 MR. REICHMAN: I don't remember that.

8 MR. REYNOLDS: And you don't remember
9 her mentioning about Mr. Zolezzi in contacting
10 Whole Foods? I know you said you weren't
11 familiar with those two individuals.

12 MR. REICHMAN: I don't remember the
13 Whole Foods thing at all.

14 MR. MEYER: Thank you.

15 MR. REYNOLDS: I'm showing Mr.
16 Reichman an email from Joanne Ivy to him and
17 others dated December 4, 2013 with the subject
18 "Meeting with Tom Hall Update." The email reads
19 in part: "For instance, Mr. Zolezzi proclaimed
20 that he could stop the distribution of Beyond
21 Eggs at Whole Foods with just a phone call. I
22 have already followed up on this offer and am

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1 anxious to see how it goes."

2 Did you receive this email?

3 MR. REICHMAN: You know, my name's on
4 it. I guess I did. I don't remember it though.

5 MR. REYNOLDS: Do you remember reading
6 that email?

7 MR. REICHMAN: I don't remember that.

8 MR. REYNOLDS: Do you see anyone from
9 the USDA on that email?

10 MR. REICHMAN: Do I see what?

11 MR. REYNOLDS: Anyone from the USDA on
12 the list of who the email was sent to?

13 MR. REICHMAN: No, none of those are
14 USDA people.

15 MR. REYNOLDS: During the time you
16 were on the Board, who from the USDA were you in
17 contact with?

18 MR. REICHMAN: Who I was in contact?

19 MR. REYNOLDS: Yes.

20 MR. REICHMAN: There was a lady named
21 Angie Snyder. Angie was the USDA representative,
22 came to the meetings.

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1 MR. REYNOLDS: Okay.

2 MR. REICHMAN: From the beginning when
3 I was on the Board. And lately, the last year,
4 there's been another gentleman.

5 MR. MEYER: Kenny.

6 MR. REICHMAN: Must be Kenny.

7 MR. REYNOLDS: Say again.

8 MR. REICHMAN: There's been another
9 gentleman from the USDA that's taken Angie
10 Snyder's place.

11 MR. REYNOLDS: Okay, who is that
12 gentleman?

13 MR. MEYER: Kenny Payne? I don't want
14 to say his name. You guys know.

15 MR. REICHMAN: Was it Kenny Payne?
16 I'd know the man if he walked in here.

17 MR. REYNOLDS: You don't know what his
18 name was?

19 MR. REICHMAN: I've forgotten it.

20 MR. REYNOLDS: Okay.

21 MR. REICHMAN: But I mean mainly with
22 -- at the meetings, we shake hands, say hello,

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1 and that's it.

2 MR. REYNOLDS: Did you ever notify
3 anyone from the USDA of this email?

4 MR. REICHMAN: No.

5 MR. REYNOLDS: Did you ever respond to
6 this email?

7 MR. REICHMAN: I don't remember if I
8 did or not.

9 MR. REYNOLDS: Do you know what this
10 email was about?

11 MR. REICHMAN: The one you just gave
12 me?

13 MR. REYNOLDS: Yes.

14 MR. REICHMAN: Now that I've read it,
15 I got an idea about it, yes.

16 MR. REYNOLDS: What idea do you have?

17 MR. REICHMAN: This is just to
18 promote, I guess, a rebuttal to Beyond Eggs and
19 Just Mayo.

20 MR. MEYER: But that's just based on
21 reading it now, right?

22 MR. REICHMAN: Yes, from reading it

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1 right now. Yes.

2 MR. REYNOLDS: Was Anthony Zolezzi's
3 name ever mentioned at an Egg Board meeting?

4 MR. REICHMAN: I don't remember the
5 name, sir.

6 MR. REYNOLDS: Did Anthony Zolezzi
7 ever speak at a meeting that included Board
8 members?

9 MR. REICHMAN: Not that I know of.

10 MR. REYNOLDS: Were you ever at a
11 meeting that Anthony Zolezzi was present?

12 MR. REICHMAN: Not that I remember.
13 I don't know the name. I don't know who the
14 gentleman is.

15 MR. REYNOLDS: And Tom Hall -- were
16 you ever at a meeting that Tom Hall was at?

17 MR. REICHMAN: Not that I remember.

18 MR. REYNOLDS: After reading that
19 email, can you explain to me what contact of Mr.
20 Zolezzi to remove Beyond Eggs of the shelf of
21 Whole Foods had to do with the promotion of eggs,
22 egg products, spent fowls, or products of spent

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1 fowls? As I understand you didn't send an email,
2 but it was sent to you. But can you explain
3 that?

4 MR. MEYER: Are you asking him to
5 speculate as to Ms. Ivy's --

6 MR. REYNOLDS: Just as a Board member,
7 he received this email, his knowledge or whatever
8 he has.

9 MR. REICHMAN: I really don't know
10 anything about it. I don't remember the
11 discussion about Whole Foods or anything. So I
12 don't know how to answer it.

13 MR. REYNOLDS: Did you ever give
14 Joanne approval to budget \$59,500 to address the
15 Beyond Eggs situation?

16 MR. REICHMAN: I think I saw that in
17 an old -- when we were just voting to move money
18 from one place back to another. But that money
19 had been allocated there.

20 MR. REYNOLDS: When was that vote?

21 MR. REICHMAN: I don't remember when
22 the vote was, but I saw the email a few weeks

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1 ago.

2 MR. REYNOLDS: A few weeks ago you
3 say?

4 MR. REICHMAN: I just looked it up in
5 some of the papers I still have.

6 MR. REYNOLDS: Okay. What was the
7 Beyond Eggs situation?

8 MR. REICHMAN: I don't really know.
9 What do you know as the Beyond Eggs situation?

10 MR. REICHMAN: Go ahead.

11 MR. MEYER: It refers to it there.

12 MR. REYNOLDS: I'm showing Mr.
13 Reichman an email from Joanne Ivy to him and
14 other members of the Executive Committee, dated
15 December 16, 2013 with the subject "Beyond Eggs
16 Budget."

17 The email reads in part: "To
18 Executive Committee: As you are aware, Beyond
19 Eggs has received a lot of publicity lately,
20 mainly because of the partnership with Bill
21 Gates. I am attaching a budget to address this
22 situation. We do not have a budget at this time.

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1 However, we went ahead with a few activities
2 because of timeliness, but we feel we need to
3 have a budget to not only respond when
4 appropriate, but also be on the offense and not
5 the defense."

6 Ivy also mentioned, "I would
7 appreciate your response ASAP on this budget for
8 \$59,500 to address the Beyond Eggs situation from
9 Special Projects. If you approve, simply respond
10 with yes. If you have any questions, please let
11 me know. Joanne."

12 MR. REICHMAN: I responded to it, yes.
13 And I vaguely remember this, yes.

14 MR. REYNOLDS: You vaguely remember
15 it?

16 MR. REICHMAN: Now that you gave me a
17 copy of it.

18 MR. REYNOLDS: What was your response?

19 MR. REICHMAN: I'm sure I went along
20 with everybody else and said yes.

21 MR. REYNOLDS: I'm saying with the
22 email, what was your response?

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1 MR. REICHMAN: "Thanks, Joanne, for
2 the quick response. Yes. Andrew. Thanks,
3 Andrew." I'm not sure why I was thanking her for
4 a quick response.

5 MR. REYNOLDS: Did she explain what
6 the few activities she went ahead with were?

7 MR. REICHMAN: Not that I remember.

8 MR. REYNOLDS: Did she explain what
9 she meant by being on the offense and not the
10 defense?

11 MR. REICHMAN: Not that I remember.

12 MR. REYNOLDS: Did she say why she
13 needed to have a budget?

14 MR. REICHMAN: Well, just from reading
15 this, I mean I presume she needed some monies to,
16 you know, whatever the plan was that they were
17 coming up with, I guess to counter Beyond Eggs or
18 Just Mayo, which ever.

19 MR. REYNOLDS: What was the plan?

20 MR. REICHMAN: I don't know. I'm just
21 saying that's the only reason I can think that
22 they wanted the money.

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1 MR. REYNOLDS: What factored into your
2 decision to say yes to the budget request?

3 MR. REICHMAN: Probably because
4 everybody -- and I don't know. I mean I just --
5 I really don't know what factored into it. I
6 presume it was just because I knew everybody else
7 was in favor, so yes, I was in favor of it. It
8 came up quickly or -- I'm not sure.

9 MR. REYNOLDS: Did you take into
10 consideration what the Egg Research and Promotion
11 Act said in making this decision?

12 MR. REICHMAN: No.

13 MR. REYNOLDS: So outside of the fact
14 you felt that other people were voting, was there
15 any other guidance you used in reference to
16 making your decision?

17 MR. REICHMAN: No.

18 MR. MEYER: Well, just to clarify,
19 just because I think what Mr. Reynolds is asking
20 is, and correct me if I'm wrong, did you when you
21 responded like this, did you -- not necessarily
22 did you like consult the text of the Act and the

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1 order, but did you consider that this was like
2 part of the Egg Board's general project? Is that
3 fair? Good answer. I just want to be clear that
4 I feel like you were -- you may not have actually
5 consulted the Act in responding to it.

6 MR. REICHMAN: I didn't consult it.

7 MR. MEYER: Right, but that doesn't
8 mean that you necessarily didn't take any steps
9 to think through this as a potential act by --
10 does that make sense? It's all right. We can
11 leave it.

12 MR. REYNOLDS: Did you see anything
13 potentially in violation of the Act when you
14 approved the Beyond Eggs budget?

15 MR. REICHMAN: No. As I said, I don't
16 know what I knew about the Act itself.

17 MR. REYNOLDS: After looking at this
18 email again, can you explain to me what
19 approving a budget for \$59,500 to address the
20 Beyond Eggs situation had to do with the
21 promotion of eggs, egg products, spent fowls, or
22 products of spent fowls?

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1 MR. REICHMAN: I mean I guess it was
2 -- I mean eggs had had such a bad rap the entire
3 time. It was probably just to prevent something
4 like that again.

5 MR. REYNOLDS: Right, what --

6 MR. REICHMAN: About that eggs are
7 going to kill you. Eggs are terrible for you,
8 etcetera, etcetera.

9 MR. REYNOLDS: What I'm showing Mr.
10 Reichman are the minutes from the Executive
11 Committee meeting dated March 12, 2014 at the
12 Hilton Rosemont, Chicago O'Hare which read in
13 part, "Ivy reported that the Executive Committee
14 needed to consider carrying over the balance of
15 the \$59,500 funds allocated for the Beyond Eggs
16 program." The minutes went on to mention "a
17 motion was made by Van Zetten. Seconded by
18 Sauder to carry over the balance in the amount of
19 \$46,404 to 2014. Motion was approved
20 unanimously."

21 On the front page of the minutes it
22 showed that you were present. Was that a meeting

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1 you were present at?

2 MR. REICHMAN: Yes.

3 MR. REYNOLDS: And were you a voting
4 person at that meeting?

5 MR. REICHMAN: Yes.

6 MR. REYNOLDS: It said a unanimous
7 vote. Does that mean that everyone who was able
8 to vote, which included yourself, voted for the
9 approval of the motion?

10 MR. REICHMAN: Yes.

11 MR. REYNOLDS: What factored into your
12 decision to vote in favor of that motion?

13 MR. REICHMAN: Probably wasn't much
14 thought into it. It was just a motion that was
15 made. It was a motion made, seconded quickly,
16 and yes, I voted for it. We allocated what,
17 \$59,000. We were \$46,000 over, so we had that
18 much money.

19 MR. REYNOLDS: So what was the
20 \$13,000?

21 MR. REICHMAN: I never asked that
22 question where the \$13,000 was spent.

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1 MR. REYNOLDS: Was there any
2 particular reason why you didn't ask why \$13,000
3 was spent?

4 MR. REICHMAN: No.

5 MR. REYNOLDS: Or what it was spent
6 on?

7 MR. REICHMAN: I guess -- I don't
8 know. I didn't ask.

9 MR. REYNOLDS: Did anyone ever say
10 what \$13,000 was spent on?

11 MR. REICHMAN: Not that I know of.

12 MR. REYNOLDS: Well, did you hear
13 anybody?

14 MR. REICHMAN: No, no. I haven't
15 heard anything, no. I mean does it say in here
16 what it was for?

17 MR. REYNOLDS: Did you see anything
18 that was potentially in violation of the Act in
19 approving this motion for \$46,400 of the Beyond
20 Eggs budget?

21 MR. REICHMAN: I didn't really take
22 the Act into consideration. Wasn't thinking

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1 about it.

2 MR. REYNOLDS: After having had the
3 Beyond Eggs budget information from the 2014
4 meeting read to you, as well as you had the
5 opportunity to read it, can you please explain to
6 me your knowledge of how carrying over a Beyond
7 Eggs budget balance of \$46,404 assisted with the
8 promotion of eggs, egg products, spent fowls, or
9 products of spent fowls?

10 MR. REICHMAN: I mean the monies had
11 not been used. They were just left with the
12 Nutrition Committee to use for whatever. They
13 would bring it up before the Board again. I
14 presume.

15 MR. REYNOLDS: So do you know if this
16 money assisted with the promotion of eggs, egg
17 products, spent fowls or products of spent fowls?

18 MR. REICHMAN: It went back to the
19 Nutrition Committee -- I mean if it was not used
20 for something in this regard, it could have been
21 used for a scientific study.

22 MR. REYNOLDS: You're saying it could

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1 have been, but do you know?

2 MR. REICHMAN: I presume it was put
3 back into just the fund for the Nutrition
4 Committee.

5 MR. REYNOLDS: To your knowledge, do
6 you know where the money was spent?

7 MR. REICHMAN: No.

8 MR. MEYER: Just for the record, I do
9 think that USDA has all the budgetary documents
10 for AEB and all expenditures.

11 MR. REYNOLDS: Have you ever heard
12 Joanne Ivy mention at a meeting Beyond Eggs to be
13 a huge threat to the egg industry?

14 MR. REICHMAN: I don't know if it's
15 ever -- if Joanne has ever stated it or -- I mean
16 as an egg producer, an egg replacement? That's
17 not good news to me. I've lost some customers to
18 different egg replacements. Now does that come
19 out of American Egg Board or with me, it's come
20 out of experience. Noodle makers. They'll drop
21 eggs and they use this other product when eggs
22 got to a certain price. I can see the concern,

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1 yes. Was Joanne the forefront of it? No. I
2 don't think so.

3 MR. REYNOLDS: Did you ever contact
4 anyone from the USDA concerning any of the
5 information we discussed?

6 MR. REICHMAN: No.

7 MR. REYNOLDS: Was there any
8 particular reason you didn't contact them?

9 MR. REICHMAN: I had no reason to.

10 MR. REYNOLDS: And this is -- just to
11 be clear, there's a reference to Anthony Zolezzi
12 making -- Joanne Ivy making comments about him
13 being able to remove the product from the
14 shelves?

15 MR. REICHMAN: I don't know the name
16 or anything, no.

17 MR. REYNOLDS: Also in reference to
18 the budget, \$59,500 being folks like yourself
19 saying yes?

20 MR. REICHMAN: I saw the email. I
21 voted in favor of it.

22 MR. REYNOLDS: Right. And from the

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1 minutes of the next meeting, only \$13,000 of it
2 was used and \$46,000 went back to --

3 MR. REYNOLDS: And when I say USDA, I
4 also include and I remember you said you remember
5 Angie Snyder by name. Did you ever talk to her
6 about any of those things?

7 MR. REICHMAN: No, no. I think you
8 said the new fellow?

9 MR. MEYER: Kenny?

10 MR. REICHMAN: No.

11 MR. MEYER: So the USDA
12 representatives were actually in attendance at
13 the meeting, so anything regarding the 59K that
14 was discussed during the meeting, the USDA
15 representative was there.

16 MR. REYNOLDS: Did you have a comment
17 because those were words --

18 MR. REICHMAN: Yes, the USDA was at
19 our meetings.

20 MR. REYNOLDS: Okay. Were they
21 physically there or on the phone?

22 MR. REICHMAN: Physically.

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1 MR. REYNOLDS: Anything else you want
2 to add to your statement, any additions or
3 corrections that you would like to make to your
4 statement?

5 MR. REICHMAN: None that I can think
6 of, no.

7 MR. REYNOLDS: Is your statement true,
8 complete, and correct to the best of your
9 knowledge?

10 MR. REICHMAN: Yes, it is.

11 MR. REYNOLDS: This concludes our
12 interview. The time is 1:46 p.m.

13 (Whereupon, the above-entitled matter
14 went off the record at 1:46 p.m.)

15

16

17

18

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21

22

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Interview of Andrew Reichman

Before: USDA Compliance & Analysis

Date: 02-26-16

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.

Neal R Gross

Court Reporter

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NEAL R. GROSS

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UNITED STATES DEPARTMENT OF AGRICULTURE

+ + + + +

COMPLIANCE & ANALYSIS

+ + + + +

THURSDAY,
FEBRUARY 25, 2016

The interview of Patricia Stonger under AMS Compliance Branch Review L-014-15 began at 11:30 a.m. in the United States Department of Agriculture.

Interview of:

PATRICIA STONGER

By:

LEON REYNOLDS
JEFFREY SOTOSKYExhibit 49Page 1 of 29

Appearances:

On Behalf of the Agency:

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1 P-R-O-C-E-E-D-I-N-G-S

2 11:40 a.m.

3 MR. REYNOLDS: Good morning. Today is
4 Thursday, February 25th, and the time is 11:39
5 a.m., eastern standard time, and we are in the
6 United States Department of Agriculture, South
7 Building.

8 My name is Leon Reynolds, and I am a
9 Compliance Officer with the Agricultural
10 Marketing Service, United States Department of
11 Agriculture.

12 This interview is being conducted as
13 part of an AMS Compliance Branch review, L-014-
14 15. The information provided in this interview
15 will be taken under oath and made part of the
16 official record or report, for Compliance Branch
17 review L-014-15.

18 Present for this interview are?

19 MR. SOTOSKY: Jeffrey Sotosky,
20 Compliance Officer, AMS Compliance Branch.

21 MR. MENENDEZ: Alex Menendez from
22 McLeod, Watkinson & Miller.

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1 MS. STONGER: Patricia Stonger, Day
2 Break Foods.

3 MR. REYNOLDS: Ms. Stonger, this
4 interview is being transcribed with your
5 knowledge and consent. Is this correct?

6 MS. STONGER: Yes.

7 MR. REYNOLDS: Ms. Stonger, could you
8 please say and spell your name for the
9 transcriber?

10 MS. STONGER: Full name? You want
11 Patricia?

12 MR. REYNOLDS: Yes.

13 MS. STONGER: Yes, it's Patricia, so
14 P-A-T-R-I-C-I-A, and Stonger is S-T-O-N-G-E-R.

15 MR. REYNOLDS: Would you please stand
16 and raise your right hand?

17 Whereupon,

18 PATRICIA STONGER

19 was called for examination by Counsel, having
20 been first duly sworn, was examined and testified
21 as follows:

22 MR. REYNOLDS: Thank you. For

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1 clarification, there may be times during the
2 interview where I will mention Egg Board and the
3 American Egg Board.

4 MS. STONGER: Yes.

5 MR. REYNOLDS: When I say Egg Board,
6 I am referring to the individuals who have been
7 appointed to such position by the United States
8 Secretary of Agriculture.

9 When I mention American Egg Board, I
10 am referring to the staff that is based outside
11 of Chicago, Illinois, and was led by Joanne Ivy,
12 who was the President and CEO of the American Egg
13 Board. Do you understand?

14 MS. STONGER: Okay, yes.

15 MR. REYNOLDS: What year did you
16 become a member of the Egg Board?

17 MS. STONGER: I think 2010.

18 MR. REYNOLDS: What year did you
19 become a member of the Executive Committee of the
20 Egg Board?

21 MS. STONGER: I believe that was 2013.

22 MR. REYNOLDS: Please explain the

Exhibit 49

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1 duties and responsibilities of the Executive
2 Committee of the Egg Board.

3 MS. STONGER: I guess to work with the
4 American Egg Board and --

5 MR. MENENDEZ: To the best of your
6 ability.

7 MS. STONGER: I mean, yes, it's kind
8 of a guidance, I guess, for the American Egg
9 Board and to support the American egg farmers.

10 MR. REYNOLDS: What positions have you
11 held on the Executive Committee?

12 MS. STONGER: Just an Executive Board
13 member.

14 MR. REYNOLDS: And what were the years
15 you served in -- on the Executive Committee?

16 MS. STONGER: I think it was -- I
17 didn't look that up. I think it was 2013 and
18 2014.

19 MR. REYNOLDS: What is the purpose of
20 the Egg Board?

21 MS. STONGER: Basically to support the
22 egg farmers.

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1 MR. REYNOLDS: And when you say
2 support, is there any particular support, you
3 know, because some people may say this is
4 advisory. Some people will say financially.

5 MS. STONGER: Okay, not financially.
6 It's more to help promote the good -- the egg
7 product.

8 MR. REYNOLDS: As a member of the Egg
9 Board, did you interact with the American Egg
10 Board staff?

11 MS. STONGER: Usually right around
12 meetings, yes.

13 MR. REYNOLDS: Any other time outside
14 of meetings?

15 MS. STONGER: Limited, as Chair of the
16 marketing -- before I was on the Exec Board, I
17 was Chair of the Marketing Committee. So, we
18 would have a few, like pre-meeting emails back
19 and forth.

20 MR. REYNOLDS: And any one in
21 particular who you were in contact with?

22 MS. STONGER: Elisa Maloberti would

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1 have been my primary contact there.

2 MR. REYNOLDS: When you conducted
3 business as a member of the Egg Board, what email
4 address did you use to communicate with others?

5 MS. STONGER: pat@daybreakfoods.com.

6 MR. REYNOLDS: During the time that
7 you served on the Egg Board, were you familiar
8 with the Egg Research and Promotion Act?

9 MS. STONGER: No.

10 MR. REYNOLDS: You were not?

11 MS. STONGER: (No audible response.)

12 MR. REYNOLDS: Were you familiar with
13 any federal regulations concerning the purpose of
14 the Egg Board and use of Egg Board funds?

15 MS. STONGER: No.

16 MR. REYNOLDS: Were you aware that the
17 Egg Research and Promotion Act was sometimes
18 referred to as the Act?

19 MS. STONGER: No.

20 MR. REYNOLDS: Who from the USDA was
21 the Executive Committee's point of contact during
22 the time that you served on the Executive

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1 Committee?

2 MS. STONGER: I don't recall.

3 MR. REYNOLDS: Who from the Executive
4 Committee was the point of contact for Ivy,
5 Joanne Ivy?

6 MS. STONGER: Probably would have been
7 the Chair.

8 MR. REYNOLDS: Did you ever contact
9 Joanne Ivy yourself?

10 MS. STONGER: Yes.

11 MR. REYNOLDS: And what was the
12 purpose of your contact with her?

13 MS. STONGER: Special project having
14 to do with bio-security, response and containment
15 for Avian Fluenza.

16 MR. REYNOLDS: Are you familiar with
17 Josh Tetrick, who is the owner of Hampton Creek
18 and its products?

19 MS. STONGER: No.

20 MR. REYNOLDS: That include Beyond
21 Eggs and Just Mayo?

22 MS. STONGER: I know the name Beyond

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1 Eggs. I don't know the Josh person.

2 MR. REYNOLDS: Okay.

3 MS. STONGER: Yes.

4 MR. REYNOLDS: And what do you know
5 about Beyond Eggs?

6 MS. STONGER: Just a vague knowledge
7 they exist.

8 MR. REYNOLDS: And what is that vague
9 knowledge about them existing?

10 MS. STONGER: Egg substitute.

11 MR. REYNOLDS: When and how did you
12 become aware of Beyond Eggs? Let's start with
13 when.

14 MS. STONGER: Wow. I don't know, I
15 think I saw something on the TV or the internet
16 maybe, I don't know.

17 MR. REYNOLDS: And when was this?

18 MS. STONGER: I'm guessing. I'm not
19 suppose to guess.

20 MR. MENENDEZ: Just what you know.

21 MS. STONGER: I don't know. Do you
22 want me to guess?

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1 MR. MENENDEZ: No, if you don't know,
2 you don't know.

3 MS. STONGER: I don't know. I don't
4 know.

5 MR. REYNOLDS: And outside of it being
6 an egg substitute, is there anything else you
7 recall in reference to Beyond Eggs?

8 MS. STONGER: No.

9 MR. REYNOLDS: During the time you
10 were on the Board, was it ever discussed in any
11 meetings, concerning Beyond Eggs, anything?

12 MS. STONGER: I think it was
13 mentioned.

14 MR. REYNOLDS: What was mentioned?

15 MS. STONGER: Just that it was there.
16 You know, there was an egg substitute product.
17 Mostly, it was an egg substitute product. So,
18 whatever.

19 MR. REYNOLDS: And when was this?

20 MS. STONGER: It would have been -- I
21 don't know. I was on the Executive Committee.
22 So, it had to be in that time frame.

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1 MR. REYNOLDS: Time frame of?

2 MS. STONGER: The 2013 to 2014,
3 whenever I was on the Executive Committee.

4 MR. REYNOLDS: And who discussed the
5 topic of Beyond Eggs?

6 MS. STONGER: I don't remember.

7 MR. REYNOLDS: Were you involved in
8 the conversation?

9 MS. STONGER: I was in the room.

10 MR. REYNOLDS: Okay.

11 MS. STONGER: Yes.

12 MR. REYNOLDS: And was anyone from the
13 USDA in the room?

14 MS. STONGER: There was always
15 somebody.

16 MR. REYNOLDS: So, this was at an
17 Executive Committee meeting --

18 MS. STONGER: Yes.

19 MR. REYNOLDS: -- that it was
20 discussed and reference to Beyond Eggs?

21 MS. STONGER: You know, I don't know
22 if it was Executive or Board or what.

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1 MR. MENENDEZ: It's just whatever you
2 recall.

3 MS. STONGER: Yes, I don't know. I
4 just know I was --

5 MR. MENENDEZ: It's your honest
6 testimony.

7 MS. STONGER: -- in a meeting room,
8 yes. Yes.

9 MR. REYNOLDS: And who was it from the
10 USDA who was present in the room?

11 MS. STONGER: I do not remember that
12 name.

13 MR. REYNOLDS: What did they look
14 like?

15 MS. STONGER: Well, it was a switch,
16 right at the end, there was a switch in staff,
17 and I don't remember either one of their names.

18 MR. REYNOLDS: But do you recall what
19 they looked like?

20 MS. STONGER: The first one was a
21 woman. She had dark hair, about my height.

22 That's terrible, I can't remember her name, but I

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1 don't remember her name.

2 MR. REYNOLDS: And outside of the
3 Board meetings, was there any other meetings that
4 the USDA was involved in or present, physically
5 present?

6 MS. STONGER: I don't know.

7 MR. REYNOLDS: And did you ever
8 authorize the use of American Egg Board funds to
9 be used in response to Beyond Eggs?

10 MS. STONGER: Not that I could
11 specifically recall.

12 MR. REYNOLDS: Were American -- were
13 American Egg Board funds used, concerning Beyond
14 Eggs?

15 MS. STONGER: American Egg Board's
16 funds are used to promote eggs, right? So, I'm
17 not sure about Beyond Eggs, what that -- the tie-
18 in.

19 MR. REYNOLDS: So, you don't know if
20 the funds were used or --

21 MS. STONGER: I don't know.

22 MR. REYNOLDS: -- just to be honest --

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1 MS. STONGER: I don't know.

2 MR. REYNOLDS: Okay. In reference to
3 Beyond Eggs, as you described being an egg
4 substitute, do you know any other egg substitute
5 products on the market?

6 MS. STONGER: No, I don't.

7 MR. REYNOLDS: Do you know
8 approximately how many products are on the
9 market?

10 MS. STONGER: No.

11 MR. REYNOLDS: During the time you
12 served on the Board, had you heard the name --
13 heard or seen the name, whether it be a phone
14 call, email communication, or somebody speak the
15 name of Anthony Zolezzi? Have you seen that name
16 or heard that name?

17 MS. STONGER: No, not that I recall.

18 MR. REYNOLDS: And do you recall an
19 email from Joanne Ivy to yourself, that was dated
20 December 4th, 2013, with the subject meeting
21 with Tom Hall update'?

22 The email reads in part, "For

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1 instance, Mr. Zolezzi proclaimed that he could
2 stop the distribution of Beyond Eggs and Whole
3 Foods with just a phone call."

4 MS. STONGER: No.

5 MR. REYNOLDS: "I have already
6 followed up on this offer and am anxious to see
7 how it goes."

8 MS. STONGER: Uh-huh.

9 MR. REYNOLDS: You recall?

10 MS. STONGER: I do now.

11 MR. REYNOLDS: You do what?

12 MS. STONGER: Recall.

13 MR. REYNOLDS: You do recall?

14 MS. STONGER: Uh-huh.

15 MR. REYNOLDS: Okay, what can you tell
16 me? What do you recall?

17 MS. STONGER: Just reading this email.

18 MR. REYNOLDS: Did you ever respond to
19 the email?

20 MS. STONGER: It doesn't seem like
21 they're asking for a response, so I'm going to
22 say no.

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1 MR. REYNOLDS: Were you ever at a
2 meeting that Mr. Zolezzi's name was mentioned?

3 MS. STONGER: Not that I recall.

4 MR. REYNOLDS: Have you ever met Mr.
5 Zolezzi?

6 MS. STONGER: Not that I'm aware of.

7 MR. REYNOLDS: And had you had any
8 communication with Joanne Ivy, besides receiving
9 this email, concerning Mr. Zolezzi?

10 MS. STONGER: Not that I know of.

11 MR. REYNOLDS: And just to be clear,
12 communication, I'm speaking about phone call,
13 mail message, email.

14 MS. STONGER: Yes, I'm not good at
15 names. I don't remember.

16 MR. REYNOLDS: Okay, did you have any
17 other information to your knowledge, concerning
18 that email?

19 MS. STONGER: Un-hun.

20 MR. REYNOLDS: Did you ever give your
21 approval to Joanne Ivy for American Egg Board to
22 budget \$59,500 to address the Beyond Egg

Exhibit 49

1 situation?

2 MS. STONGER: Do I recall? Is that
3 what you're asking?

4 MR. REYNOLDS: Well, I asked did you
5 ever give your approval to Joanne Ivy, for the
6 American Egg Board to budget \$59,500 to address
7 the Beyond Egg situation?

8 MS. STONGER: Not that I remember.

9 MR. REYNOLDS: Do you know what the
10 Beyond Egg situation was?

11 MS. STONGER: It would have been --
12 no. No.

13 MR. REYNOLDS: I am showing Ms.
14 Stonger an email from Ivy to her, and other
15 members of the Executive Committee, dated
16 December 16th, 2013, with the subject Beyond
17 Eggs budget'.

18 The email reads in part, "To Executive
19 Committee, as you are aware, Beyond Eggs has
20 received a lot of publicity lately, mainly
21 because of the partnership with Bill Gates. I'm
22 attaching a budget to address this situation."

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1 "We do not have a budget at this time.
2 However, we went ahead with a few activities
3 because of timeliness, but we feel we need to
4 have a budget to not only respond when
5 appropriate, but also be on the offensive -- on
6 the offense, and not the defense."

7 Ivy also mentioned, "I would
8 appreciate your response ASAP on this budget for
9 \$59,500 to address the Beyond Egg situation from
10 September -- from special projects."

11 "If you approve, simply respond with
12 yes. If you have questions, please let me know.
13 Joanne."

14 MS. STONGER: Okay, yes, obviously I
15 did.

16 MR. REYNOLDS: Is that your -- your
17 email address?

18 MS. STONGER: It is.

19 MR. REYNOLDS: And is that your
20 response?

21 MS. STONGER: It is.

22 MR. REYNOLDS: And what is that email?

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1 What was your response?

2 MS. STONGER: I said yes.

3 MR. REYNOLDS: Yes?

4 MS. STONGER: Um-hum.

5 MR. REYNOLDS: Okay, and do you also
6 say, "Thanks for the leadership and action plan
7 you're giving this important topic." Was that
8 it, or you just said yes?

9 MS. STONGER: I just said yes.

10 MR. MENENDEZ: You have my yes vote.

11 MR. REYNOLDS: You have my yes vote?

12 MS. STONGER: Yes.

13 MR. REYNOLDS: As well?

14 MS. STONGER: As well. So.

15 MR. REYNOLDS: Did you have any
16 communication with Joanne concerning this,
17 outside of your response back. Obviously, that's
18 a communication. Outside of that response back,
19 did you have any other communication with her,
20 concerning what specifically the money was going
21 to be used for?

22 MS. STONGER: Not that I remember.

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1 MR. REYNOLDS: And was there any
2 follow up conversation with her afterwards, in
3 reference to what the money was spent on?

4 MS. STONGER: No.

5 MR. REYNOLDS: And you said you were
6 on the Board from 2013 to 2014.

7 MS. STONGER: That's my recollection.

8 MR. REYNOLDS: Is that correct?

9 MS. STONGER: Yes.

10 MR. REYNOLDS: That's your
11 recollection?

12 MS. STONGER: Um-hum.

13 MR. REYNOLDS: After you left the
14 Board, did you have any further conversation with
15 Joanne Ivy?

16 MS. STONGER: Casual in the hallway,
17 maybe. That would have been it.

18 MR. REYNOLDS: Okay, and what about
19 any of the staff at the American Egg Board?

20 MS. STONGER: Same.

21 MR. REYNOLDS: Did you have any
22 further conversation?

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1 MS. STONGER: No.

2 MR. REYNOLDS: And did you have any
3 conversation with any other Board member
4 concerning Beyond Eggs?

5 MS. STONGER: No.

6 MR. REYNOLDS: And looking at Beyond
7 Eggs as an egg substitute, would you consider
8 Beyond Eggs a competitor against the egg
9 industry?

10 MS. STONGER: Maybe in the broadest
11 sense.

12 MR. REYNOLDS: And explain what you
13 mean by that.

14 MS. STONGER: Because I mean, there
15 are a lot of formulated foods. So, miscellaneous
16 gums and oils and steroids that can be, you know,
17 formulated to help classification -- whatever
18 that -- you know, like the properties that you
19 want an egg to do. So, in that sense, sure.

20 MR. REYNOLDS: Is that yes or no?

21 MS. STONGER: That's yes, but. That's
22 yes, but.

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1 MR. REYNOLDS: Okay.

2 MS. STONGER: Uh-huh.

3 MR. REYNOLDS: Were you involved in
4 any efforts in reference to contacting the United
5 States Food and Drug Administration, as it
6 related to -- relates to Just Mayo or Beyond
7 Eggs?

8 MS. STONGER: No.

9 MR. REYNOLDS: And did you ever
10 contact anyone from the USDA concerning Beyond
11 Eggs?

12 MS. STONGER: Not that I recall.

13 MR. REYNOLDS: In other words, did you
14 ever contact anyone from the USDA concerning any
15 of the information we discussed?

16 MS. STONGER: No.

17 MR. REYNOLDS: Do you have direct
18 knowledge of anyone from the Egg Board contacted
19 the USDA, concerning any of the information we
20 discussed?

21 MS. STONGER: No.

22 MR. SOTOSKY: Yes, I'm good.

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1 MR. REYNOLDS: Are there any additions
2 or corrections you would like to make to your
3 statement?

4 MS. STONGER: I don't think so.

5 MR. REYNOLDS: If you have any, now is
6 the time to --

7 MS. STONGER: Yes.

8 MR. REYNOLDS: -- make any additions
9 or corrections.

10 MR. MENENDEZ: You don't?

11 MS. STONGER: No, yes, I'm good. No.

12 MR. REYNOLDS: Is this statement true
13 and complete and correct to the best of your
14 knowledge?

15 MS. STONGER: I believe so.

16 MR. REYNOLDS: This concludes our
17 interview. The time is 11:58 a.m., eastern
18 standard time.

19 (Whereupon, the above-entitled matter
20 went off the record at 12:00 p.m.)
21
22

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Interview of Patricia Stonger

Before: USDA Compliance & Analysis

Date: 02-25-16

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

Neal R Gross

Court Reporter

Reynolds, Leon - AMS

From: JIvy@aeb.org
Sent: Monday, December 16, 2013 12:34 PM
To: Missy Maher; Kevin Burkum; Mitch Kanter; Kevin Burkum
Subject: Beyond Egg Budget

Missy, The Executive committee has approved this morning the \$59,500 Beyond Eggs budget from the Administrative Special Projects budget. I will have invoices sent to Kevin for his review first and then he will forward to me for my review and add account number. Okay, let's proceed! Joanne

Sent from my iPhone

Reynolds, Leon - AMS

From: Jacinta LeDonne <JLeDonne@aeb.org>
Sent: Monday, December 16, 2013 9:22 AM
To: Joanne Ivy; Joanne Ivy
Subject: Beyond Eggs Budget
Attachments: Dec-Jan Beyond Eggs Budget.xlsx

Hi Joanne,

Attached the budget spreadsheet.

Jacinta Le Donne | *Director of State Programs*

American Egg Board

O 847.296.7043 | D 224.563.3709 | F 847.296.7007

PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068

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Exhibit 51
Page 1 of 2

Beyond Eggs
2013 Budget Estimate

	Fee	Expense	Total	Notes
Beyond Eggs Outreach	\$43,000.00	\$16,500.00	\$59,500.00	
WSJ and HuffPo Letters to the Editor	\$5,500.00	\$0.00	\$5,500.00	Fee includes strategic counsel to date, drafting, editing, submitting and follow up of (2) Letters to the Editor submissions to WSJ and Huffington Post
Media Relations, Monitoring and Follow-Up	\$10,000.00	\$0.00	\$10,000.00	Fee includes real-time response to Beyond Eggs coverage; following up with top 25 print food, features and health reporters (75+ reporters); ongoing media monitoring and reporting; drafting proactive/reactive statements, coordinating potential interviews (For December and January)
Blogger Relations	\$18,000.00	\$15,000.00	\$33,000.00	Fee includes research and negotiations with 5-10 key influential bloggers in food, tech and health/nutrition space, drafting key messaging and coordinating posts.
Ongoing Strategic Counsel	\$7,000.00	\$1,500.00	\$8,500.00	Fee includes ongoing strategic counsel (through end of Dec) <i>PLEASE NOTE: \$3K in fee has already been logged to date</i> OOPS includes miscellaneous administrative expenses
Paid Search/Outbrain	\$2,500.00	\$0.00	\$2,500.00	Fee includes coordination with Starcom, reviewing content and providing links (assumes Outbrain/Paid Search fees to come out of AEB/Starcom budget)

Exhibit 51

Page 2 of 2

Reynolds, Leon - AMS

From: Xin, Hongwei [A B E] <hxin@iastate.edu>
Sent: Thursday, January 16, 2014 2:01 PM
To: Joanne Ivy; Joanne Ivy
Cc: Nathan Pelletier; Ibarburu-Blanc, Maro A [AN S]; Wang, Tong [FSHNA]; Vold, Lesa C [AN S]
Subject: RE: Environmental Footprint Study
Attachments: Egg vs Other Protein Sources study proposal-Xin etal - updated Jan 16-2014.pdf; Egg vs Other Protein Sources study proposal-Xin etal - updated Jan 16-2014.doc

Hi Joanne,

The answer to your question re: b) is Yes, we will look at other plant-based proteins besides "Beyond Egg" product.

I have trimmed the proposal budget (to \$75,048) and the updated proposal in both PDF and WORD formats is attached. Any further questions please let me know.

Next I will run the standard grant application paperwork through the university system. Should we have a target starting date of Feb 15 and a completion date of June 30?

Best,

Hongwei

.....
Hongwei Xin <Shin>, Ph.D.
Iowa Egg Council Endowed Professor
Professor, Agricultural & Biosystems Engineering (ABE) and Animal Science
Director, Egg Industry Center – <http://www.eggindustrycenter.org>
1202 NSRIC
Iowa State University
Ames, Iowa 50011-3310, USA
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hxin@iastate.edu (Email)
Homepage: <http://www.abe.iastate.edu/who-we-are/directory/hongwei-xin/>
Citation Indices: <http://scholar.google.com/citations?user=l02uQPAAAAAJ&hl=en>
.....

From: Joanne Ivy [mailto:JIvy@aeb.org]
Sent: Thursday, January 16, 2014 8:33 AM
To: Xin, Hongwei [A B E]
Subject: RE: Environmental Footprint Study

Thanks Hongwei for sending. I feel this will be an important study to have this information on hand. It looks good, particularly the part that says you should be able to do the study in 4 months.

Regarding b) at the top of page 2, I am assuming that in addition to the Beyond Egg product that you will also look at a couple of other plant-based proteins, such as soy and maybe corn.

Also, regarding the price, it is a little higher than I was estimating. Is there any way we can skim a little from budget to get it down in the \$75,000 range without effecting the quality of the study.

Look forward to hearing back from you. Joanne

Joanne C. Ivy, CAE | *President & CEO*

American Egg Board

O 847.296.7043 | D 224.563.3701 | C 847.606.3166
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From: Xin, Hongwei [A B E] [<mailto:hxin@iastate.edu>]

Sent: Tuesday, January 07, 2014 10:18 AM

To: Joanne Ivy

Subject: RE: Environmental Footprint Study

Importance: High

Hello Joanne,

Happy New Year! I hope you enjoyed the holiday break.

As promised, attached is the proposal for your consideration. The key to the robustness of the study is that consistent methodology is used across different species/commodities in the assessment of the environmental footprint. This means that some of the published numbers on certain commodity (e.g., dairy) by other researchers needs to be re-examined.

Should you have any questions, please advise.

Best regards,

Hongwei

From: Joanne Ivy [<mailto:JIvy@aeb.org>]

Sent: Wednesday, December 11, 2013 5:23 AM

To: Xin, Hongwei [A B E]

Subject: Re: Environmental Footprint Study

Yes, early January would work for the proposal, but we would want to get this study done as soon as possible to use the information in our media responses.

We can contact Tony directly, but it is John Howeth who just received the patent information on Beyond Eggs and needed some help deciphering the info. There are several products, and we thought we would do the carbon footprint study on two of the main products.

What is Tony's contact info. I will pass along to John.

Safe travels. Joanne

Sent from my iPhone

On Dec 10, 2013, at 8:38 PM, "Xin, Hongwei [A B E]" <hxin@iastate.edu> wrote:

Dear Joanne,

Pardon my tardy response. The last couple of days have been rather hectic, as I am trying to take care of the research projects and EIC affairs before heading out to an overseas business travel bright early tomorrow (4 AM)...

My understanding is that Mitch and Toni have had productive communication – good! As for the Environmental Footprint Study that compares eggs with other animal- and plant-based protein products, the short answer is that we would be very interested in looking into it. However, before I make a firm commitment, please let me check with my cohorts to assess the situation. With my tight traveling schedules (till early January), it would be quite challenging for me to have the proposal ready by the end of the year. However if it must be done by then, I will see what I can do. Otherwise, I will be back in touch in January. Is that acceptable?

Happy Holidays to you all!

Hongwei

Hongwei Xin <Shin>, Ph.D.
Iowa Egg Council Endowed Professor
Professor, Agricultural & Biosystems Engineering (ABE) and Animal Science
Director, Egg Industry Center – <http://www.eggindustrycenter.org>
1202 NSRIC
Iowa State University
Ames, Iowa 50011-3310, USA
515.294.4240 (Office); 515.450.2593 (Cell); 515.294.4250 (Fax)
hxin@iastate.edu (Email)
Homepage: <http://www.abe.iastate.edu/who-we-are/directory/hongwei-xin/>
Citation Indices: <http://scholar.google.com/citations?user=I02uQPAAAAAJ&hl=en>

From: Joanne Ivy [<mailto:JIvy@aeb.org>]
Sent: Monday, December 09, 2013 5:45 PM
To: Xin, Hongwei [A B E]
Cc: Mitch Kanter; John Howeth
Subject: Environmental Footprint Study

Hongwei, we are interested in doing an Environmental Footprint Study that compares eggs to other animal protein, such as pork, beef, chicken and/or dairy. I believe the other commodities have already done footprint studies so it would not need to be repeated. We would also like to compare eggs to plant-protein replacers, such as egg replacer made from soy and two of the main Beyond Egg products. I have attached a patent of the Beyond Egg products for your information. I believe there are several Beyond Egg Products. I was thinking that Tony could decipher the ingredients from the patent information on Beyond Eggs. It is a little complicated for me.

Mitch is considering doing a nutrition overlay to this study. For example, sugar may have a low carbon footprint, but is not very nutritious. (I have no idea if that is a true statement, but I understand that is what they will be looking into and comparing to eggs). I feel sure you could talk with Mitch to see how the nutrition portion would mess with the Environmental Footprint Study. It would also be great if we could add an affordability component, such as eggs are the lowest costing animal protein with the lowest environment footprint. I think that is true.

Exhibit 52

Page 3 of 7

Anyway, if you could pull together a proposal, I would try to get this approved by Board and USDA by the end of the year. What do you think? Joanne

Joanne C. Ivy, CAE | *President & CEO*

American Egg Board

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<image001.png> <image002.png> <image003.png> <image004.png> <image005.png> <image006.png>
>

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Exhibit 52

Page 4 of 7

Comparing the Environmental Footprint of U.S. Eggs with Other Plant and Animal Food Sources

A Research Proposal to American Egg Board by

Hongwei Xin, Professor, Director of Egg Industry Center, hxin@iastate.edu

Maro Ibarburu, Associate Scientist-Business Analyst of Egg Industry Center, maro@iastate.edu

Lesa Vold, Communications Specialist of Egg Industry Center, lvold@iastate.edu

Nathan Pelletier, Principal, Global Ecologic Environmental Consulting and Management Services, nathanpelletier@globalecologic.com

Tong Wang, Professor, Department of Food Science and Human Nutrition, Iowa State University, tongwang@iastate.edu

Statement of the Issue

Awareness of the environmental impacts of food choices is increasing among producers, consumers, regulators and other stakeholders. So, too, is the level of interest in comparing the environmental footprints of different food choices as a basis for reducing production and consumption-related impacts. Although researchers have published a variety of studies reporting the environmental footprints of single food products, studies comparing food products across sectors using robust and consistent methodologies are lacking.

For example, environmental footprint studies for most of the major animal production industries and a variety of agricultural crop products in the United States are already available. However, differences in methodologies between studies reported by different researchers make it almost impossible to directly compare the results across these studied systems. It is generally not advisable to draw results of studies from different researchers for comparative purposes, because differences in system boundaries and other methodological assumptions are often as important in determining study outcomes as are actual differences between the studied products. Rather, any kind of robust comparison requires that the same analytical approach and data sourcing/quality considerations be applied.

The US egg industry recently reported an environmental footprint study of national average egg production. This study showed remarkable progress in reducing the environmental footprint of egg production in the United States over a 50-year interval spanning 1960 to 2010. However, it is also of interest to compare the environmental footprint of eggs with competing animal and plant food products. Moreover, comparing on the basis of different properties such as mass, protein (or other nutritional value measures) and cost can provide valuable information for positioning and marketing egg products. For example, although eggs likely compare favorably with many animal products, it is unclear how the environmental footprint of egg production compares to that of crop-based egg replacers (such as Beyond Eggs) whose production may involve energy-intensive processing activities.

Objectives of This Study

The objectives of the proposed study are to:

- a) Compare the current environmental footprint of US egg production with the environmental footprints of other animal proteins, specifically milk, poultry, pork and beef, on a consistent methodological basis;

Exhibit 52

Page 5 of 7

Comparing Environmental Footprint of U.S. Egg Production with Other Plant and Animal Protein Sources

- b) Similarly compare the environmental footprint of US egg production with the environmental footprints of plant-based “egg replacer” products such as the new Beyond Eggs product;
- c) Report the comparisons in terms of several units of comparison, including mass, protein (or other nutritional parameters) and cost.

The resultant information will provide a robust comparison of the environmental footprint of eggs and other “competing” food products. This information will be useful for industry stakeholders in better understanding the environmental “position” of the US egg sector, and in marketing egg products. It will also support consumers in making environmentally conscious purchasing decisions.

Methodology

The Egg Industry Center (Xin, Ibarburu, Wang and Vold) will be coordinating and participating in the study. They will collaborate closely with Nathan Pelletier, an expert in life cycle assessment and environmental foot-printing of agriculture and food systems, ensuring the provision of the necessary information for carrying out the study. Pelletier has previously performed and published environmental footprint studies of U.S. broiler production (2008), commodity pork and beef production in the U.S. Midwest (2010a,b), and the recent U.S. egg industry 50-year comparison study (2014). He has also modeled dozens of crop production systems in the context of feed supply environmental management consulting work. He is regarded as one of the leading experts in the field. Xin is well versed in modern egg production systems and management, and has been working closely with egg producers on environmental and housing issues. Ibarburu is versed in economic analysis and statistics of the U.S. egg industry and has been providing statistical/economic analysis data to egg producers and allied industries. Ibarburu also was intimately involved in the 50-year study. Wang is specialized in functionality of eggs and egg products and nutritional enrichment of eggs (e.g., through dietary additives). Vold has a strong background in communications and is familiar with the US egg industry.

The team will use the recent environmental footprint of U.S. egg production (1960 vs. 2010) as the reference point for the study. Pelletier will update his previous studies for commodity beef, pork, and broiler production models (which are already methodologically similar) with respect to data currency (i.e., all background system data for the same reference year). Inventory data for US dairy production from published studies will be collected and the same standard sets of modelling protocols will be used to develop a methodologically consistent LCA model for comparison with the other commodities.

The assessment of the environmental footprint of the production of plant-based egg replacers will require the modeling of many key crops. Pelletier had already modelled a variety of relevant US crop systems, some of which would likely figure as key inputs to egg replacers (soy, flax, etc.). However, in the case of other inputs, this will require development of new ISO-compliant LCA models. Study outcomes will be communicated in a dedicated industry report, as well as a peer-reviewed research paper(s).

Specific steps for the study process include:

- (1) Update previous studies for broiler, swine and beef cattle production;
- (2) Build a LCA model for the U.S. dairy industry, using a method similar to the one used in the previous egg study;
- (3) Build LCA models for the production of plant-based egg replacers, including the production of inputs, processing, and transportation stages;

Comparing Environmental Footprint of U.S. Egg Production with Other Plant and Animal Protein Sources

- (4) Compare the environmental footprints of these products on the basis of mass, protein (or other nutritional parameters) and cost;
- (5) Produce an industry report as well as a peer-reviewed manuscript describing the methods and findings; and
- (6) Further disseminate the study information through industry-wide educational meetings (e.g., UEP area meetings, International Egg Commission Conference), professional scientific meetings, publications in trade magazines and posting on the appropriate website (e.g., the Egg Industry Center website).

Timeline

We anticipate completing the study in four (4) months from commencement of the contract.

Deliverables

The deliverables of the study will include an industry report as well as a peer-reviewed article(s) that describe the methods and findings regarding the environmental footprint of the production of eggs as compared to milk, broiler meat, pork, beef and plant-based egg replacers in the United States.

Budget

We are requesting **\$75,048** to cover the following direct expenses:

Pelletier:	\$47,000	(a) Data compilation, quality assurance and analysis (including updating inventory data for existing models to a current reference year, and collecting data for new input supply chains) (25 days), (b) model updates and new model construction, impact assessment and interpretation (17 days), (c) development of report and associated peer-reviewed article (5 days) at \$1,000 per day.
Wang:	\$ 7,216	Responsible for identification of plant components in the egg replacers (2-week summary salary support).
Xin:	\$11,102	Project oversight, contributing author for report preparation and development of peer-reviewed manuscript, and time/effort associated with dissemination of the study findings (2-week summer salary support).
Travels:	\$ 4,000	Presentation of results at industry (AEB, UEP and possibly IEC) educational workshops or annual conferences.
Report Printing:	\$ 5,700	Production of color copies of the final report (estimated at \$7 per copy x 600 copies) + graphics designer's time (\$1,500)

VENDOR ID 10119		NAME IOWA STATE UNIVERSITY		PAYMENT NUMBER 0000000000009332		CHECK DATE 12/31/2014		11332	
DOCUMENT NUMBER ENVIRO FOOTPRINT		DATE 12/29/2014		AMOUNT \$75,048.00		AMOUNT PAID \$75,048.00		DISCOUNT \$0.00	
								NET \$75,048.00	
				\$75,048.00		\$75,048.00		\$0.00	
								\$75,048.00	

COMMENT

JE made to ReClass To

PRODUCT DLM235 USE WITH 91500 ENVELOPE

PRINTED IN U.S.A.

A/c 15-880.50

Exhibit 53

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AMERICAN EGG BOARD

CHECK REQUEST FORM

ISSUE CHECK TO:

INVOICE #:

IOWA STATE UNIVERSITY
SPONSORED PROGRAMS ACCOUNTING
3609 ADMINISTRATIVE SERVICES BUILDING
AMES, IA 50011-3609

DATE: December 29, 2014

PLEASE MAIL

CHECK STUB DESCRIPTION (use only 18 characters for check stub description including spaces):

ENVIRO FOOTPRINT

CHECK DETAIL:	AMOUNT:
COMPARING ENVIRONMENTAL FOOTPRINT OF U.S. EGGS W/ OTHER PLANT & ANIMAL FOOD SOURCES	\$75,048.00
- Dr. Hongwei Xin, Professor & Director of Egg Industry Center	
TOTAL:	\$75,048.00

15880-50 \$15000
35-889-00 \$60048

PAID

ACCOUNT #: _____
VENDOR NAME: IOWA STATE UNIVERSITY
VENDOR #: 10119
RETURN CHECK TO: GWEN RAMIREZ

APPROVED BY: _____
CHECK #: _____

(b) (6)

Exhibit 53
Page 2 of 3

10119

V13327

Gwen Ramirez

From: Joanne Ivy
Sent: Monday, December 29, 2014 2:35 PM
To: Gwen Ramirez
Cc: Dennis Kane
Subject: Re: APPROVAL NEEDED: Check for ISU Environmental Footprint Eggs vs Other Plant & Animal Food Sources

Dennis, I will provide signature approval on Monday, but we need to pay the full amount of \$75,048 of the ISU contract before the end of 2014. Thanks. Joanne

Sent from my iPhone

On Dec 29, 2014, at 3:22 PM, Gwen Ramirez <gramirez@aeb.org> wrote:

Hi Joanne –

Just checked with Dennis, we show no payments in the system for this contract. I will do a new check request for the full amount of \$75,048 since the project has been completed and Hongwei has already submitted the final report to you.

Can you please approve via email so that Dennis can process the check this week?

Thanks,
Gwen

Gwen Ramirez | Executive Assistant to the President & CEO

American Egg Board
O 847.296.7043 | D 224.563.3712 | F 847.296.7007
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org

<image001.png> <image007.png> <image008.png> <image009.png> <image010.png> <image011.png>
>

The information provided in this email is confidential and proprietary to the American Egg Board. The unauthorized use or disclosure is prohibited. If you have received this email in error, please advise the sender, and delete it from your computer.

From: Joanne Ivy
Sent: Tuesday, December 23, 2014 9:31 PM
To: Gwen Ramirez
Subject: Re: ISU Environmental Footprint Eggs vs Other Plant & Animal Food Sources

Are you sure Dennis did not send a check upon signature of the contract? So, we show no payments to ISU for this project in 2014. Correct? Joanne

Sent from my iPhone

On Dec 23, 2014, at 7:23 PM, Gwen Ramirez <gramirez@aeb.org> wrote:

Hi Joanne –

Exhibit 53

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Patents

English

French

Find prior art

Discuss this application



Plant-based egg substitute and method of manufacture WO 2013067453 A1

ABSTRACT

Disclosed herein are non-egg compositions that can be used as egg substitutes. The disclosure is directed to egg substitutes and methods of manufacturing the same, and compositions comprising the egg substitutes, including edible compositions such as baked goods and edible emulsions.

DESCRIPTION (OCR text may contain errors)

PLANT-BASED EGG SUBSTITUTE AND METHOD OF MANUFACTURE

[0001] This application claims priority under 35 U.S.C. 119 to U.S. Provisional Application 61/554,928, filed November 2, 2011, and to U.S. Provisional Application 61/621,425, filed April 6, 2012, the entire contents of each of which is hereby incorporated by reference.

FIELD OF THE INVENTION

[0002] The invention is directed to an egg substitute and a method of manufacturing the same, and compositions comprising the egg substitute, including edible compositions such as baked goods.

BACKGROUND OF THE INVENTION

[0003] Eggs are a versatile and near ubiquitous food and food component. The market for egg ingredients has been estimated to be \$1.8 billion domestically and \$6 billion globally, and continues to grow. Eggs are highly valued for numerous reasons. Eggs not only provide high nutritional content, they are also an essential component of a wide range of food products, ranging from, but not limited to: breads, cakes, cookies, custards, souffles, muffins, scones, biscuits, pasta, dressings, sauces, and ice cream.

[0004] However, eggs have a number of drawbacks. For example, eggs contain high levels of cholesterol and saturated fats, which increases risk for cardiovascular diseases and obesity.

Therefore, consumers that desire to reduce their risk of cardiovascular disease, or are otherwise concerned over maintaining a healthy diet and weight, represent an untapped market for eggs or egg-containing products. Other consumers that would benefit from the high nutritional content and enjoyment of egg-containing products may be prevented from doing so due to food allergies or other dietary restrictions. For instance, 1-2% of young children are estimated to be allergic to eggs. Significant population segments follow voluntary dietary restrictions, e.g., vegans and others may not eat eggs for religious or other reasons. In addition, the industrial scale production of eggs are associated with industrial farming of chickens, which incur high costs, such as, e.g., costs related to food health and safety restrictions for farmers, high transportation costs, and the cost of feeding and housing egg-laying birds. Furthermore, industrial chicken farming has a negative environmental impact, and raises a number of important humanitarian issues.

Publication number	WO2013067453 A1
Publication type	Application
Application number	PCT/US2012/063453
Publication date	May 10, 2013
Filing date	Nov 2, 2012
Priority date	Nov 2, 2011
Inventors	Joshua TETRICK, Johannes Hendrikus Antonius BOOT, Christopher Michael Jones, Megan Alexander CLEMENTS, Morgan Ann OLIVEIRA, Lorenzo ALBANELLO, Less «
Applicant	Beyond Eggs, Inc.
Patent Citations (7), Classifications (17), Legal Events (1)	
External Links: Patentscope, Espacenet	

CLAIMS (OCR text may contain errors)

WHAT IS CLAIMED IS:

1. A composition comprising
 - (i) protein in an amount up to 80% by dry weight, and
 - (ii) fat in amount from 5% to 15% by dry weight;
 wherein said composition is essentially egg-free, and wherein said composition provides binding, moisturizing, leavening, and/or emulsifying properties similar to an egg.
2. The composition of claim 1 wherein the protein content is between 10 and 20% by dry weight.
3. The composition of claim 1, wherein said protein comprises plant-based protein.
4. The composition of claim 3, wherein said plant-based protein comprises protein from beans or peas.
5. The composition of claim 1, wherein said fat comprises plant-based oils.
6. The composition of claim 5, wherein said plant-based oils comprise oils from garbanzo and/or fava beans.
7. The composition of claim 1, further comprising
 - (iii) one or more flours in an amount of 50% or more by dry weight, and
 - (iv) one or more gums and/or starches in an amount less than 20% by dry weight.
8. The composition of claim 7, further comprising high-fiber material in an amount up to 15% by dry weight.
9. The composition of claim 8, wherein said high-fiber material comprises one or more brans.
10. The composition of claim 9, wherein said one or more brans comprise micronized corn bran.
11. The composition of claim 1, wherein said composition provides binding properties similar to that of a whole egg.

Exhibit 54

Moreover, eggs have limited shelf life, and are at risk of harboring infectious pathogens, such as, for example, Salmonella, E. coli, and other pathogens which may endanger public health. [0005] Many attempts have been made to create an egg substitute that recapitulates the desired features of natural eggs while minimizing the unwanted features of eggs. These attempts range from home-cooking based substitutes, e.g., mashed bananas and/or applesauce to replace eggs in baking, baking powder/baking soda mixtures to provide leavening, flour/water mixtures to provide binding and leavening. Commercially available substitutes include, for example, Eggbeaters™, Ener-G™ egg substitute, Bob's Red Mill Egg Replacer™. However, all of these substitutes have certain limitations. For example, many of the home-based egg substitutes provide only a single limited desired property of eggs in cooking, e.g., mashed fruit provide moisture and binding but not leavening, baking powder/soda and flour/water substitutes provide some leavening but limited binding properties. Eggbeaters™ is made from real egg whites, and is thus associated with low shelf life and risk of carrying pathogens, and is also avoided by vegans. Ener-G™ vegan egg substitute, acts as an imperfect substitute for many baking purposes because of its inferior binding qualities. Disclosed herein are compositions for use as a whole- egg substitute that addresses the limitations of the current art.

SUMMARY OF THE INVENTION

[0006] Disclosed herein are multifunctional compositions that can be used as a whole egg substitute, driven by molecular gastronomy. In some embodiments, the compositions replace the whole egg or a part of the egg (e.g. the egg white or the yolk) in food products on a 1 : 1 basis by weight after reconstitution with water or other liquid, has a nutritional profile similar to eggs, and replicates one or more, if not all, of the egg's core functionalities. In some embodiments the whole egg is understood to include the contents of the egg as poured from the shell of the egg. In some embodiments, the core functionalities can be, but are not limited to achieving a desired crumb density, structure/texture, elasticity/springiness, coagulation, binding, mouthfeel, leavening, aeration/foaming, creaminess, and emulsification of the food product. The

functionalities described above can overlap or may be interdependent. In some embodiments, the compositions can functionally replace the whole egg or a part of the egg in baked goods and/or emulsions. In some embodiments, the compositions replace whole eggs or a part of the egg on a 1 : 5 basis by weight, wherein 1 weight unit of the compositions replaces 5 weight units of eggs. In other embodiments, the compositions replaces whole eggs on a 10: 1, 9: 1, 8: 1, 7: 1, 6: 1, 5: 1, 4: 1, 3: 1, 2: 1, or 1 : 1 basis by weight. In other embodiments the compositions replace whole eggs or a part of the egg on a 1 : 10, 1 : 9, 1 : 8, 1 : 7, 1 : 6, 1 : 5, 1 : 4, 1 : 3, 1 : 2, or 1 : 1 basis by weight.

[0007] In some embodiments, the compositions may be used to replace egg yolks. In other embodiments, the compositions may be used to replace egg whites. In some embodiments, the compositions may be used as an egg substitute in non-food products, e.g., shampoos. In some embodiments, the compositions may be used to replicate desired functions of eggs while overcoming the limitations of natural eggs, e.g., high saturated fat content, high cholesterol content, and allergenic properties. In yet other embodiments, the compositions may be used for functions other than as an egg substitute, e.g., water binding function.

[0008] In one aspect, the composition comprises protein in an amount up to 80% by dry weight, and (ii) fat in amount from 5% to 15% by dry weight; wherein the composition is essentially egg- free, and wherein the composition provides binding, moisturizing, leavening, creaminess, and/or emulsifying properties similar to an egg.

[0009] In one aspect, the compositions comprises 10-20% protein and 5-15% fat by dry weight, wherein the composition is essentially egg free and can be used to provide binding, moisturizing, leavening, and/or emulsifying properties similar to an egg. In some cases, the protein comprises plant-based protein. In

12. The composition of claim 1, wherein said composition provides moisturizing properties similar to that of a whole egg.
13. The composition of claim 1, wherein said composition provides leavening properties similar to that of a whole egg.
14. The composition of claim 1, wherein said composition provides emulsifying properties similar to that of a whole egg.
15. The composition of claim 1, wherein said composition is egg-free.
16. The composition of claim 1, wherein said binding, moisturizing, leavening, and/or emulsifying properties are measured at between about 90-110% of the binding, moisturizing, leavening, and/or emulsifying properties of an egg.
17. A composition, comprising:
 - a) 60-99.5% by dry weight of one or more bean flours; and
 - b) 0.5- 15% by dry weight of one or more gums and/or starches.
18. The composition of claim 17, wherein said bean flour comprises garbanzo flour.
19. The composition of claim 18, wherein said garbanzo flour comprises about 40% or more of the dry weight of the composition.
20. The composition of claim 18, wherein said garbanzo flour comprises about 75% or more of the dry weight of the composition.
21. The composition of claim 18, wherein said garbanzo flour comprises about 85% or more of the dry weight of the composition.
22. The composition of claim 18, wherein said bean flour further comprises fava bean flour.
23. The composition of claim 22, wherein said fava bean flour and said garbanzo flour together comprise about 80% or more of the dry weight of the composition.
24. The composition of claim 22, wherein said garbanzo flour comprises from 80-85% of the dry weight of the composition, and wherein said fava bean flour comprises from 12.5-17.5% of the dry weight of the composition, and wherein the combination of garbanzo flour and fava bean flour is a maximum of 99.5% by dry weight of the the composition.
25. The composition of claim 22, wherein said garbanzo flour comprises about 45-55% of the dry weight of the composition, and wherein said fava bean flour comprises about 35-45% of the dry weight of the composition, and wherein the combination of garbanzo flour and fava bean flour is a maximum of 99.5% by dry weight of the the composition.
26. The composition of claim 17, wherein said bean flour is essentially free of soy flour.
27. The composition of claim 17, wherein said bean flour is free of soy flour.
28. The composition of claim 17, wherein said one or more gums is selected from xanthan gum, acacia gum, and combinations thereof.
29. The composition of claim 28, wherein said one or more gums is a combination of xanthan gum and acacia gum.
30. The composition of claim 29, wherein said combination is an essentially 1 : 1 ratio by weight of xanthan gum and acacia gum.

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more particular cases, the plant-based protein comprises protein from garbanzo, fava beans, yellow pea, sweet brown rice, rye, golden lentil, chana dal, soybean, sorghum, sprouted green lentil, du pung style lentil, and/or white lima bean. In some cases, the fat comprises plant-based oils. In more particular cases, the plant-based oils comprise oils from garbanzo, fava beans, yellow pea, sweet brown rice, rye, golden lentil, chana dal, soybean, sorghum, sprouted green lentil, du pung style lentil, and/or white lima bean.

[0010] In some cases, the composition comprises over 50% by dry weight of one or more flours, and less than 20% of a mixture of one or more gums and/or starches. In some cases, the composition comprises over 60% by dry weight of one or more flours, and less than 20% of a mixture of one or more gums and/or starches. In some cases, the composition additionally comprises 0-15% of a high fiber material. In some cases, the high fiber material comprises one or more brans. In a particular case, the one or more brans comprise micronized corn bran.

[0011] In another aspect, the compositions comprise 60-99.5% of bean flour and 0.5-15% of a mixture of gums and/or starches by dry weight. In some cases, the bean flour comprises garbanzo flour. In some cases, the garbanzo flour comprises more than about 40%, more than about 75%), or more than about 85% of the dry weight of the composition. In more particular cases, the bean flour comprises fava bean flour. In some cases, the fava bean flour and garbanzo flour together comprise more than 80% of the dry weight of the composition. In some cases, the garbanzo flour comprises about 80-85% of the dry weight of the composition, and the fava bean flour comprises about 12.5-17.5% of the dry weight of the composition. In some cases, the garbanzo flour comprises about 45-55% of the dry weight of the composition, and the fava bean flour comprises about 35-45% of the dry weight of the composition. In some cases, the bean flour is essentially free of soy flour, or does not contain any soy flour. [0012] In some cases, the one or more gums are selected from xanthan gum and acacia gum. In some particular cases, the composition comprises both xanthan gum and acacia gum. In more particular cases, the composition comprises roughly equal amounts of xanthan gum and acacia gum. In some particular cases, the xanthan gum and acacia gum each comprise about 1-3% of the dry weight of the composition.

[0013] In some particular cases, the one or more gums is xanthan gum only. In yet more particular cases, the xanthan gum comprises about 1-7.5% of the dry weight of the composition. In other particular cases, the one or more gums is acacia gum only.

[0014] In some cases, the composition comprising one or more gums additionally comprises one or more starches. In other cases, the one or more starches is arrowroot starch. In some particular cases, the gum comprises about 4-9% of the dry weight of the composition, and the arrowroot starch comprises about 2-5% of the dry weight of the composition.

[0015] In one aspect, a composition is disclosed comprising (i) yellow pea flour, and (ii) modified starch; wherein the composition is essentially egg-free, and wherein the yellow pea flour and modified starch are in a weight ratio ranging from 7:3 to 3:7, and wherein the composition provides binding, moisturizing, leavening, and/or emulsifying properties similar to an egg. In various embodiments, the flour and starch are in a weight ratio of 6:4 to 4:6, such as in a weight ratio of about 1 : 1. In various embodiments, the composition further comprises one or more components selected from the group consisting of guar gum, xanthan gum, carboxy-methylcellulose, and mixtures thereof. For example, the composition may include the additional components in a combined amount weight ratio ranging from 1 : 8 to 1 : 12 compared to the amount by weight of the combined yellow pea flour and modified starch. In various embodiments, the composition is an eggless mayonnaise.

[0016] In some embodiments, the compositions of the invention can be used as a substitute for egg yolks, egg whites, or whole eggs in the preparation of an equivalent product prepared using an equivalent amount of eggs.

31. The composition of claim 30, wherein said xanthan gum and said acacia gum each comprise about 1-3% of the dry weight of the composition.

32. The composition of claim 28, wherein said one or more gums is xanthan gum.

33. The composition of claim 32, wherein said xanthan gum comprises 1-7.5% of the dry weight of the composition.

34. The composition of claim 28, wherein said one or more gums is acacia gum.

35. The composition of claim 28, further comprising one or more starches.

36. The composition of claim 35, wherein said one or more starches is arrowroot starch.

37. The composition of claim 36, wherein said gum comprises about 4-9% of the dry weight of the composition, and said arrowroot starch comprises about 2-5% of the dry weight of the composition.

38. A composition comprising

(i) yellow pea flour, and

(ii) modified starch;

wherein said composition is essentially egg-free, and wherein said yellow pea flour and said modified starch are in a weight ratio ranging from 7:3 to 3:7, and wherein said composition provides binding, moisturizing, leavening, and/or emulsifying properties similar to an egg.

39. The composition of claim 38, wherein said flour and said starch are in a weight ratio of 6:4 to 4:6.

40. The composition of claim 38, wherein said flour and said starch are in a weight ratio of about 1 : 1.

41. The composition of claim 38, wherein said composition further comprises one or more components selected from the group consisting of guar gum, xanthan gum,

carboxymethylcellulose, and mixtures thereof.

42. The composition of claim 38, wherein said composition further comprises guar gum, xanthan gum, and carboxymethylcellulose, wherein said guar gum, xanthan gum, and carboxymethylcellulose are present in a combined amount weight ratio ranging from 1 : 8 to 1 : 12 compared to the amount by weight of the combined yellow pea flour and modified starch.

43. The composition according to claim 38, wherein said composition is an eggless mayonnaise.

44. A method of using the composition of any of the above claims as a substitute for egg yolks, egg whites, or whole eggs in the preparation of an equivalent product prepared using an equivalent weight of eggs.

45. The method of claim 44, wherein said method comprises use of the composition as a binding agent.

46. The method of claim 44, wherein said method comprises use of the composition as a moisturizing agent.

47. The method of claim 44, wherein said method comprises use of the composition as a leavening agent.

48. The method of claim 44, wherein said method comprises use of the composition as an emulsifying agent.

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[0017] In some cases, the compositions are used as a binding agent. In some cases, the compositions are used as a moisturizing agent. In some cases, the compositions are used as an emulsifying agent. In some cases, the compositions are used as a leavening agent.

[0018] In some aspects, the invention provides a food product prepared using the compositions described herein, wherein the food product is indistinguishable from an equivalent product prepared using eggs. In some cases, the food product is a baked food product. In some cases, the food product is a sauce, dressing, or custard. In some cases, the food product is a scramble, omelet, or quiche indistinguishable from a scramble, omelet, or quiche prepared using eggs. In some cases, the food product is an ice cream, pasta, meatloaf, or burger patty. In some embodiments the food product is an emulsion, mayonnaise or dressings.

[0019] In some aspects, the invention provides a method of baking, using as a 1 : 1 replacement per egg an egg substitute, wherein the egg substitute comprises 10.3-13.0 grams garbanzo flour, 1.2-1.5 grams micronized corn bran, and 0.4-0.6 grams xanthan gum. In other aspects, the invention provides a method of baking, using as a 1 : 1 replacement per egg an egg substitute, wherein the egg substitute comprises 9.8-12.3 grams garbanzo flour, 1.7-2.2 grams fava bean flour, 0.2-0.3 grams xanthan gum, and 0.2-0.3 grams acacia gum. In yet other aspects, the invention provides a method of baking, using as a 1 : 1 replacement per egg an egg substitute, wherein the egg substitute comprises, 6.1-7.8 grams garbanzo flour, 4.6-5.9 grams fava bean flour, 0.8-1.1 grams acacia gum, and 0.4-0.6 grams arrowroot starch. In some aspects, a method is disclosed for preparing an edible emulsion, comprising using as a 1 : 1 replacement per egg, 44- 47% by weight yellow pea flour, 44-47% by weight modified starch, 3-5% by weight mixture of guar gum and xanthan gum, and 3-5% by weight carboxymethylcellulose.

[0020] In some aspects, the invention provides a method of making an emulsion such as mayonnaise, using as a 1 : 1 replacement per egg an egg substitute, wherein the egg substitute comprises 10.3-13.0 grams garbanzo flour, 1.2-1.5 grams micronized corn bran, and 0.4-0.6 grams xanthan gum. In other aspects, the invention provides a method of making an emulsion such as mayonnaise, using as a 1 : 1 replacement per egg an egg substitute, wherein the egg substitute comprises 9.8-12.3 grams garbanzo flour, 1.7-2.2 grams fava bean flour, 0.2-0.3 grams xanthan gum, and 0.2-0.3 grams acacia gum. In yet other aspects, the invention provides a method of making an emulsion such as mayonnaise, using as a 1 : 1 replacement per egg an egg substitute, wherein the egg substitute comprises, 6.1-7.8 grams garbanzo flour, 4.6-5.9 grams fava bean flour, 0.8-1.1 grams acacia gum, and 0.4-0.6 grams arrowroot starch.

BRIEF DESCRIPTION OF THE FIGURES

[0021] Figure 1 provides a comparison of commercially available egg replacers versus eggs when measured for cake height.

[0022] Figure 2 provides a comparison of commercially available egg replacers versus eggs when measured for cake height/weight ratio.

[0023] Figure 3 provides a comparison of commercially available egg replacers versus eggs when measured for cake hardness.

[0024] Figure 4 provides a comparison of commercially available egg replacers versus eggs when measured for cake springiness. [0025] Figure 5 provides a comparison of commercially available egg replacers versus eggs when measured for cake cohesiveness.

[0026] Figure 6 provides a comparison of commercially available egg replacers versus eggs when measured for cake gumminess.

[0027] Figure 7 provides a comparison of a comparative composition versus eggs when measured for muffin hardness.

[0028] Figure 8 provides a comparison of a comparative composition versus eggs when measured for muffin height.

[0029] Figure 9 provides a comparison of a comparative composition versus eggs when measured for muffin cohesiveness.

49. A food product prepared using the composition of any of claims 1-43 as an egg substitute, wherein said food product achieves a score within 20% of a score from an equivalent product prepared using eggs, wherein said score is based on an evaluation of one or more of texture, color, flavor, density, and roughness.

50. The food product of claim 49, wherein said food product is a baked food product.

51. The food product of claim 49, wherein said food product is a sauce, dressing, mayonnaise, or custard.

52. The food product of claim 49, wherein said food product is a scramble, omelet, or quiche wherein said food product achieves a score within 20% of a score from a scramble, omelet, or quiche prepared using eggs, wherein said score is based on an evaluation of one or more of texture, color, flavor, density, and roughness.

53. The food product of claim 49, wherein said food product is an ice cream, pasta, meatloaf, or burger patty.

54. A method of baking, comprising using as a 1 : 1 replacement per egg, 10.3-13.0 grams garbanzo flour, 1.2-1.5 grams micronized corn bran, and 0.4-0.6 grams xanthan gum.

55. A method of baking, comprising using as a 1 : 1 replacement per egg, 9.8-12.4 grams garbanzo flour, 1.7-2.2 grams fava bean flour, 0.2-0.3 grams xanthan gum, and 0.2-0.3 grams acacia gum.

56. A method of baking, comprising using as a 1 : 1 replacement per egg, 6.1-7.8 grams garbanzo flour, 4.6-5.9 grams fava bean flour, 0.8-1.1 grams acacia gum, and 0.4-0.6 grams arrowroot starch.

57. A method of preparing an edible emulsion, comprising using as a 1 : 1 replacement per egg, a composition comprising 44-47% by weight yellow pea flour, 44-47% by weight modified starch, 3-5% by weight mixture of guar gum and xanthan gum, and 3-5% by weight carboxymethylcellulose.

[0030] Figure 10 provides a comparison of a comparative composition versus eggs when measured for muffin springiness.

[0031] Figure 11 provides data from a Bostwick consistometer for the effect of prehydration time on consistency.

[0032] Figure 12 provides data on emulsion formation and emulsion stability. Starch was added to pea protein and the mixture was tested for its capacity to form a stable emulsion.

[0033] Figure 13 provides data on consistency on mayonnaise as measured with a Bostwick consistometer.

[0034] Figure 14 provides comparison of eggless mayo in particle size distribution.

[0035] Figure 15 provides a comparison of cold- and hot-milled flours with egg on height/leavening in muffins.

[0036] Figure 16 provides a comparison of cold- and hot-milled flours with egg on cohesiveness in muffins.

[0037] Figure 17 provides a comparison of cold- and hot-milled flours with egg on springiness in muffins.

INCORPORATION BY REFERENCE

[0038] All publications, patents, and patent applications mentioned in this specification are herein incorporated by reference to the same extent as if each individual publication, patent, or patent application was specifically and individually indicated to be incorporated by reference.

DETAILED DESCRIPTION OF THE INVENTION

[0039] Several aspects of the invention are described below with reference to example applications for illustration. It should be understood that numerous specific details, relationships, and methods are set forth to provide a full understanding of the invention. One having ordinary skill in the relevant art, however, will readily recognize that the invention can be practiced without one or more of the specific details or with other methods.

[0040] The terminology and description used herein is for the purpose of describing particular embodiments only and is not intended to limit the invention. As used herein, the singular forms "a", "an" and "the" can be intended to include the plural forms as well, unless the context clearly indicates otherwise. The terms "including", "includes", "having", "has", "with", or variants thereof are intended to be inclusive in a manner similar to the term "comprising".

[0041] The term "about", "approximately", or "similar to" means within an acceptable error range for the particular value as determined by one of ordinary skill in the art, which can depend in part on how the value is measured or determined, or on the limitations of the measurement system. It should be understood that all ranges and quantities described below are approximations and are not intended to limit the invention. Where ranges and numbers are used these can be approximate to include statistical ranges or measurement errors or variation. In some embodiments, for instance, measurements could be plus or minus 10%.

[0042] The phrase "essentially free of" is used to indicate the indicated component, if present, is present in an amount that does not contribute, or contributes only in a de minimus fashion, to the properties of the composition. In various embodiments, where a composition is essentially free of a particular component, the component is present in less than a functional amount. In various embodiments, the component may be present in trace amounts. Particular limits will vary depending on the nature of the component, but may be, for example, selected from less than 10% by weight, less than 9% by weight, less than 8% by weight, less than 7% by weight, less than 6% by weight, less than 5% by weight, less than 4% by weight, less than 3% by weight, less than 2% by weight, less than 1% by weight, or less than 0.5% by weight.

[0043] By "indistinguishable" is meant that a comparison of two samples provides essentially the same outcome. Alternatively, by "indistinguishable" is meant that a comparison provides results that are within the error bars of the particular form of measurement. For example, if measured by consumer acceptance, two products would be indistinguishable if when compared by consumers, the products were approximately equally acceptable to a group of consumers.

[0044] Functional Properties of the Compositions

[0045] Natural eggs have a number of useful properties that make them a useful component in a wide variety of food and non-food products. In some embodiments, the egg substitute will fulfill one or more qualities of natural eggs. In some embodiments, the compositions described herein will fulfill more than one quality of natural eggs. In more particular embodiments, the compositions disclosed herein will fulfill more than two, or more than three, or substantially most or all of the qualities of natural eggs. In various embodiments, binding, moisturizing, leavening, and/or emulsifying properties are determined to be similar to an egg if measured at between about 90-110% of the binding, moisturizing, leavening, and/or emulsifying properties of an egg.

[0046] Viscosity

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[0047] Natural eggs can provide a desired viscosity to batter or dough for the preparation of baked goods. Viscosity can be qualitatively assessed by the rate or ease of flow, the ease of movement during handling, or may be quantitatively assessed by viscometers or rheometers. In some embodiments, the compositions can provide a desired viscosity to the batter or dough similar to batter or dough prepared using natural eggs. In some embodiments, the compositions provide about 1-30%, about 20-50%, about 30-70%, about 40-90%, about 60-100% of the desired viscosity of a natural egg. In some embodiments, the compositions provide more than about 1%), about 2%, about 3%, about 4%, about 5%, about 10%, about 15%, about 20%, about 30%, about 40%, about 50%, about 60%, about 70%, about 80%, about 90%, about 100% of the desired viscosity of a natural egg. In some embodiments the viscosity is in a raw product. In some embodiments the viscosity is in a cooked product. In some embodiments the viscosity is in a chemically crosslinked product. In some particular embodiments, the compositions provide more than about 50% of the desired viscosity of a natural egg. In some other particular embodiments, the compositions provide more than about 75% of the desired viscosity of a natural egg. In yet other particular embodiments, the compositions provide more than about 90% of the desired viscosity of a natural egg. In some embodiments, the compositions may not provide desired viscosity.

[0048] pH

[0049] Natural eggs can have a pH range of about 6-8, although the pH of eggs can vary widely with freshness or other environmental factors. In some embodiments, the pH of the compositions provided herein can be similar to that of natural eggs. In some embodiments, the pH of the reconstituted compositions can be about 5.5-8.5, about 6-8, about 6.5-7.5, or about 7. In some embodiments, the pH of the compositions provided herein is different than natural eggs, e.g. more acidic or more basic than a natural egg composition. For example a composition provided herein can have, in some embodiments, a pH of less than 5.5, 5, 4.5, or less than 4. In other embodiments a composition provided herein can have a pH of greater than 6.5, 7, 7.5, or greater than 8. [0050] Binding Properties

[0051] Natural eggs provide binding properties that are useful in many cooking and non-cooking applications. Binding properties can refer to the properties of natural eggs that provide structural integrity to egg- containing or egg- substitute containing products, e.g., baked goods. Structural integrity of an egg- containing or egg-substitute containing product may be compared and/or indicated by, for example, whether the product falls apart during or after preparation, or by the quantity of fragments or crumbs that are generated when the product is handled. In some embodiments, the compositions provide binding properties of natural eggs. In some

embodiments, the compositions provide about 1-30%, about 20-50%, about 30-70%, about 40- 90%), about 60-100%) of the binding properties of a natural egg. In some embodiments, the compositions provide more than about 1%>, about 2%, about 3%, about 4%, about 5%, about 10%, about 15%, about 20%, about 30%, about 40%, about 50%, about 60%, about 70%, about 80%), about 90%), about 100% of the binding properties of a natural egg. In some particular embodiments, the compositions provide more than about 50% of the binding properties of a natural egg. In some other particular embodiments, the compositions provide more than about 75%) of the binding properties of a natural egg. In yet other particular embodiments, the compositions provide more than about 90% of the binding properties of a natural egg. In some embodiments, the compositions may not provide binding properties.

[0052] Thickening agents

[0053] Eggs are commonly used as thickening agents for a number of food products, for example, sauces, custards, fillings, etc. Thickening can be caused by the physical interference of water molecules in the food product with molecules from the thickening product. Thickening properties of an egg-substitute product may be indicated by the ability to thicken the egg- substitute containing product to the desired amount in a smooth, consistent manner, while minimizing the formation of lumps. In some embodiments, the compositions can provide thickening properties. In some embodiments, the compositions can provide about 1-30%, about 20-50%, about 30-70%, about 40-90%, about 60-100% of the thickening properties of a natural egg. In some embodiments, the compositions provide more than about 1%, about 2%, about 3%, about 4%, about 5%, about 10%, about 15%, about 20%, about 30%, about 40%, about 50%, about 60%), about 70%, about 80%, about 90%, about 100% of the thickening properties of a natural egg. In some embodiments, the compositions provide more than about 50% of the thickening properties of a natural egg. In particular embodiments, the compositions provide more than about 75% of the thickening properties of a natural egg. In yet more particular embodiments, the compositions provide more than about 90% of the thickening properties of a natural egg. In some embodiments, the compositions may not provide thickening properties.

[0054] Leavening agents

[0055] Eggs provide leavening properties that are useful in a number of cooking and non- cooking applications. A leavening agent can have foaming action that introduces air bubbles into the product, and can be used to provide height, lightening, and fluffiness of the finished product. For example, eggs are commonly used in cake, bread, muffin, souffle, and other recipes to impart a fluffy texture to the final product. Leavening properties of an egg or egg- substitute may be indicated by the height and texture of the final product. For example, a light, airy texture indicates superior leavening compared to a heavy, gummy texture. In some embodiments, the compositions can provide leavening properties similar to that of natural eggs. In some embodiments, the compositions provide about 1-30%, about 20-50%, about 30-70%, about

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40- 90%), about 60-100%) of the leavening properties of a natural egg. In some embodiments, the compositions provide more than about 1%, about 2%, about 3%, about 4%, about 5%, about 10%, about 15%, about 20%, about 30%, about 40%, about 50%, about 60%, about 70%, about 80%), about 90%), about 100% of the leavening properties of a natural egg. In some

embodiments, the compositions provide more than about 50% of the leavening properties of a natural egg. In particular embodiments, the compositions provide more than about 75% of the leavening properties of a natural egg. In yet more particular embodiments, the compositions provide more than about 90% of the leavening properties of a natural egg. In some

embodiments, the compositions do not provide leavening properties.

[0056] Emulsifying properties

[0057] The emulsifying properties of natural eggs are useful in the preparation of food products which require the mixing and integration of substances that are immiscible, such as oil and water. Many products for human consumption are oil-in-water emulsions, including but not limited to hollandaise sauces and mayonnaise. In oil-in-water emulsions, oil droplets are dispersed evenly throughout an aqueous phase. However, oil droplets will tend to coalesce over time. An emulsifying agent can prevent the coalescence of the oil droplets, resulting in a smooth, creamy mixture. The emulsifying properties of the present compositions may be determined by the texture, consistency, and stability of the finished product, e.g., a sauce. For example, a sauce that remains smooth indicates a superior emulsion compared to a sauce that has undergone partial or complete separation over time. In some embodiments, the compositions can provide emulsifying properties. In some embodiments, the compositions provide about 1-30%, about 20-50%, about 30-70%), about 40-90%, about 60-100%) of the emulsifying properties of a natural egg. In some embodiments, the compositions provide more than about 1% >, about 2%, about 3%, about 4%, about 5%, about 10%, about 15%, about 20%, about 30%, about 40%, about 50%, about 60%, about 70%), about 80%>, about 90%>, about 100% of the emulsifying properties of a natural egg. In some embodiments, the compositions provide more than about 50% of the emulsifying properties of a natural egg. In particular embodiments, the compositions provide more than about 75%) of the emulsifying properties of a natural egg. In yet more particular embodiments, the compositions provide more than about 90% of the emulsifying properties of a natural egg. In some embodiments, the compositions do not provide emulsifying properties.

[0058] Texture

[0059] Eggs are commonly used to provide moisture and fat to a product recipe, resulting in a non-dry texture. The ability of an egg or egg substitute to provide the desired moisture and fat to a product recipe (such as, for example, cake or bread recipes) may be indicated by the texture of the finished product, e.g., whether the product produces a moist or dry crumb. In some embodiments, the compositions provide a moisture imparting quality. In some embodiments, the compositions provide about 1-30%, about 20-50%, about 30-70%, about 40-90%, about 60-100% of the desired moisture and fat of a natural egg. In some embodiments, the compositions provide more than about 1%>, about 2%, about 3%, about 4%, about 5%, about 10%, about 15%, about 20%, about 30%, about 40%, about 50%, about 60%, about 70%, about 80%, about 90%, about 100%) of the desired moisture and fat of a natural egg. In some embodiments, the compositions provide more than about 50% of the desired moisture and fat of a natural egg. In particular embodiments, the compositions provide more than about 75% of the desired moisture and fat of a natural egg. In yet more particular embodiments, the compositions provide more than about 90% of the desired moisture and fat of a natural egg. In some embodiments, the compositions do not provide moisture and fat.

[0060] Color

[0061] Eggs can sometimes be used to provide a certain color to the food or non-food product. In some embodiments, the compositions can provide the same or similar color to the product. In other embodiments, the compositions do not provide similar color to that of natural eggs. In some embodiments, the compositions can be color neutral and may not affect the color of the product. [0062] Flavor

[0063] Eggs can be sometimes used to provide a certain egg taste to the food product. Taste may be qualitatively assessed by blind taste test of the product prepared using the compositions compared to the product prepared using an equivalent amount of eggs. In some embodiments, the compositions can provide the same or a similar egg taste to the product. In other embodiments, the compositions do not provide an egg taste to the product. In some

embodiments, the compositions can be taste-neutral.

[0064] Egg Replacement

[0065] In some embodiments, the compositions can be used as a replacement for whole eggs, egg yolks, or egg whites in food products. In some embodiments, the food products can be baked goods such as but not limited to muffins, cakes, cupcakes, brownies, cookies, biscotti, pancakes, breads, waffles, pastries, pies, tarts, scones, pretzels, crackers. In some embodiments, the compositions can be used as a replacement for eggs or egg parts in other products such as but not limited to pasta, noodles, meatloaf, burgers, custards, sauces, ice cream, mayonnaise, and/or salad dressings.

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[0066] In some embodiments, the compositions can be used as a replacement for whole eggs, egg yolks, or egg whites in non-food products, such as but not limited to shampoos, facial washes or masks, creams, films, encapsulates. In other embodiments, the compositions can be used for functions other than as an egg substitute.

[0067] Subjective Properties of the Compositions

[0068] Mouthfeel is a concept used in the testing and description of food products. Products made using the compositions of the invention can be assessed for mouthfeel. In some embodiments products, e.g. baked goods, made using compositions of the invention have mouthfeel that is similar to products made with natural eggs. In some embodiments the mouthfeel of the compositions of the invention is superior to the mouthfeel of previously known or attempted egg substitutes, e.g. bananas, modified way proteins, or Egg Beaters™.

[0069] Examples of properties which may be included in a measure of mouthfeel include:

Cohesiveness: Degree to which the sample deforms before rupturing when biting with molars; Density: Compactness of cross section of the sample after biting completely through with the molars; Dryness: Degree to which the sample feels dry in the mouth; Fracturability: Force with which the sample crumbles, cracks or shatters. Fracturability encompasses crumbliness, crispiness, crunchiness and brittleness; Graininess: Degree to which a sample contains small grainy particles, may be seen as the opposite of smoothness; Gumminess: Energy required to disintegrate a semi- solid food to a state ready for swallowing; Hardness: Force required to deform the product to given distance, i.e., force to compress between molars, bite through with incisors, compress between tongue and palate; Heaviness: Weight of product perceived when first placed on tongue; Moisture absorption: Amount of saliva absorbed by product; Moisture release: Amount of wetness/juiciness released from sample; Mouthcoating: Type and degree of coating in the mouth after mastication (for example, fat/oil); Roughness: Degree of abrasiveness of product's surface perceived by the tongue; Slipperiness: Degree to which the product slides over the tongue; Smoothness: Absence of any particles, lumps, bumps, etc., in the product; Uniformity: Degree to which the sample is even throughout; homogeneity;

Uniformity of Bite: Evenness of force through bite; Uniformity of Chew: Degree to which the chewing characteristics of the product are even throughout mastication; Viscosity: Force required to draw a liquid from a spoon over the tongue; and Wetness: Amount of moisture perceived on product's surface.

[0070] Compositions

[0071] Protein

[0072] Natural eggs typically comprise about 5-15% protein content by weight. The high protein content of natural eggs play a central role in providing the desired binding properties of the eggs. In some embodiments, the compositions provided herein comprise proteins, polypeptides, and/or peptides, referred to collectively as "protein". In some embodiments, the compositions can comprise about 1%, about 2%, about 3%, about 4%, about 5%, about 7.5%, about 10%, about 15%), about 20%), about 25%, about 30% protein by dry weight or total weight. In some embodiments, the compositions can comprise about 1-5%, about 2-10%, about 5-20%, or about 10-30%) protein by dry weight or total weight. In particular embodiments, the compositions can comprise about 10-15% protein by dry weight or total weight.

[0073] In some embodiments, the proteins in the composition can comprise one or more plant- based proteins. In some embodiments, the one or more plant-based proteins may include, but are not limited to: pea proteins, isolates, and/or concentrates; garbanzo (chickpea) proteins, isolates, and/or concentrates; fava bean proteins, isolates, and/or concentrates; soy proteins, isolates, and/or concentrates; rice proteins, isolates, and/or concentrate; potato proteins, isolates, and/or concentrates; hemp proteins, isolates, and/or concentrates; or any combinations thereof. Plant- based proteins may include, for example, soy protein (e.g., all forms including concentrate and isolate), pea protein (e.g., all forms including concentrate and isolate), canola protein (e.g., all forms including concentrate and isolate), other plant proteins that commercially are wheat and fractionated wheat proteins, corn and it fractions including zein, rice, oat, potato, peanut, green pea powder, green bean powder, and any proteins derived from beans, lentils, and pulses. In other embodiments, the pea proteins can be derived from green peas or yellow peas. In particular embodiments, the pea proteins can be derived from yellow peas, such as Canadian yellow peas.

[0074] In some embodiments, proteins in the composition can comprise undenatured proteins. In other embodiments, proteins in the composition can comprise denatured proteins. In some embodiments essentially no animal proteins are used in the compositions.

[0075] Enzymes

[0076] Natural eggs contain a number of enzymes that are used in human products. For example, lysozyme, which may be extracted from egg whites, can be used in eye drop

formulations or as a cheese preservative. In some embodiments, the compositions comprise an enzyme profile similar to that of eggs. In some embodiments, the compositions comprise an enzyme profile dissimilar to that of natural eggs. In some embodiments, the compositions comprise lysozyme. In some embodiments, the compositions do not comprise

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lysozyme. In some embodiments the compositions provided herein contain enzymes that replicate the function of the natural egg enzymes. For example a natural egg enzyme may catalyze a particular known chemical reaction. Compounds of the invention can contain enzymes that catalyze the same or a similar reaction.

[0077] Oil/Fat

[0078] Natural chicken eggs typically comprise about 11% oil/fat content by weight. The fat content of natural eggs provides some of the desired moisture and texture to the egg-containing product, thus improving texture of the product. In some embodiments, the compositions can provide a similar fat profile to that of natural eggs. In other embodiments, the compositions can provide a lower fat profile to that of natural eggs while still imparting a desired moisture and texture to the product similar to an equivalent product prepared using natural eggs. In some embodiments, the compositions can comprise about 0.1%, about 0.2%, about 0.5%, about 1%, about 2%, about 3%, about 4%, about 5%, about 7.5%, about 10%, about 15%, about 20%, about 25%, about 30% fat by dry weight or total weight. In some embodiments, the compositions can comprise about 0.1-10%, about 0.5-15%, about 1-20%, or about 5-30% fat by total weight. In particular embodiments, the compositions can comprise about 1-10% fat by total weight. Natural eggs comprise about 3.1% saturated fats. The high saturated fat content of eggs may deter significant numbers of consumers from enjoying eggs or egg-containing products. In some embodiments, the compositions can comprise less than 3%, less than 2%, less than 1%, less than 0.5%, less than 0.1%, or essentially no saturated fat. In some embodiments, the fat content of the compositions can comprise plant-based oils. In some embodiments, the plant-based oils can comprise canola oil, sunflower oil, safflower oil, coconut oil, corn oil, olive oil, peanut oil, or palm oil. In some embodiments, the plant-based oils can comprise oils from beans (e.g. garbanzo beans or fava beans).

[0079] In some embodiments, the compositions are essentially free of fat and/or oil, such as animal fats or animal oils. In some embodiments, the compositions do not comprise fat. In some embodiments, the compositions do not comprise oil. In some embodiments the compositions do not comprise any animal oils or fats. In some embodiments the compositions comprise less than 3%, less than 2%, less than 1%, less than 0.5%, or less than 0.1% plant fats or oils. In some embodiments the compositions comprise less than 3%, less than 2%, less than 1%, less than 0.5%, or less than 0.1% animal fats or oils.

[0080] Nutrients

[0081] Eggs are also highly valued for their vitamin and nutrient content. In particular, eggs are a natural source of vitamins A, E, D, and other vitamins and nutrients, providing about 540 IU vitamin A, 1.050 mg vitamin E, and 47 IU vitamin D per 100 g total weight. In some embodiments, the compositions provide a vitamin profile similar to that of eggs by equivalent weight. In some embodiments, the compositions can be fortified with vitamins to provide a high nutritional value per unit weight compared to natural eggs. In some embodiments, the compositions do not provide a vitamin profile similar to eggs. In some embodiments the nutritional profile of the compositions of the invention is superior to natural eggs.

[0082] In addition, eggs are a source of choline, a nutrient that supports healthy brain

development. In some embodiments, the compositions provide similar amounts of choline as compared to an equivalent weight of eggs. In some embodiments, the compositions may be fortified with choline to provide a higher nutritional value per unit weight compared to natural eggs. In some embodiments, the compositions do not provide similar amounts of choline as an equivalent weight of natural eggs.

[0083] Nucleic Acids [0084] Eggs will contain nucleic acids from the species that laid the egg. So a bird egg will contain DNA from a bird and a reptile egg will contain DNA from a reptile. As the compositions of the invention are not derived from these species the compositions of the invention will not normally contain DNA normally associated with an egg. Therefore in some embodiments the compositions of the invention contain no nucleic acids from a bird, a reptile, an amphibian, or a fish. It is possible that for a variety of reasons one would wish to add the egg related nucleic acids to the compositions described herein. This would result in a product that contained an artificially added nucleic acid. In some embodiments the compositions of the invention contain no artificially added nucleic acids typically associated with an egg.

[0085] Flours

[0086] In some embodiments, the composition can comprise one or more flours. In some cases, flour is a powder ground from grains, seeds, roots, or other sources. Most flours have a high starch content which imparts thickening and binding properties, and may provide moisture content. In some embodiments, the one or more flours are selected from all-purpose flour, unbleached flour, bleached flour, bread flour, self-rising flour, wheat flour, cake flour, acorn flour, almond flour, amaranth flour, atta flour, rice flour, buckwheat flour, cassava flour, chestnut flour, chuno flour, coconut flour, corn (maize) flour, hemp flour, maida flour, mesquite flour, nut flour, peanut flour, potato flour, rice flour, rye flour, tapioca flour, t'eff flour, soy flour, peanut flour, arrowroot flour, taro flour, acorn flour, bean flours such as, e.g., soy flour, garbanzo flour, fava bean flour, pea flour; or other flour. In some embodiments, the one or more flours are selected from Sorghum, White sorghum, Soy bean, Millet, Vallarta, Stueben, Green fagelot, Black beluga, Black calypso, Chana daL, Amaranth, Lentil, Red lentil, Black lentil, Golden lentil, Do pung- style lentil, Sprouted green lentil, Sweet brown rice, Navy bean, Red bean, Pink bean, Canellini bean, Giant white lima bean, Christmas lime bean, Baby lima bean, Mung bean, Peeled fava bean,

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Good mother stellard bean, Cranberry chorlotts bean, Santa maria pinguinto bean, Brown tepary bean, Black turtle bean, Yellow slit pea, Canadian yellow pea, Black turtle beans, Brown teff flour, Rye flour, Quinoa flour, Potato flour, White rice flour, Brown rice flour, Oat flour, Buckwheat flour, Whole grain corn flour, Stone ground cornmeal. Pre-cooked split pea, Pre-cooked garbanzo flour, Arrowroot powder, and Potato starch. In some embodiments, the composition can comprise about 10%, about 20%, about 30%, about 40%, about 50%, about 60%, about 70%, about 80%, about 85% about 90%, about 95%, about 100% flour. In some embodiments, the composition can comprise about 1-30%, about 10-40%, about 30-70%, about 50-99%, about 60-95%, about 70-90% total flour by dry weight. In some embodiments, the flour is cold-milled.

[0087] Flours can differ widely in their protein content, containing as low as 5% to as high as 30% protein. Natural chicken eggs typically comprise about 10-15% protein content by weight. The high protein content of natural eggs play a central role in providing the desired binding properties of the eggs. Furthermore, flours can differ widely in their fat content, containing as low as 0.1% to as high as 15% fat content. The fat content of natural eggs provides some of the desired moisture and fat to the egg-containing product, thus improving texture of the product. However, the high saturated fat content of eggs may deter significant numbers of consumers from enjoying the product.

[0088] Therefore, in some embodiments, the one or more flours are selected from flours with high protein content and a fat content similar to that of natural eggs, wherein the fat content is provided essentially by unsaturated fats. In some embodiments, the one or more flours may comprise garbanzo/chickpea flour, fava bean flour, soy flour, nut flours. A significant number of potential consumers may have nut allergies, therefore, in particular embodiments, the one or more flours comprise garbanzo and/or fava bean flours. In some embodiments, the composition may comprise about 10%>, about 20%>, about 30%>, about 40%>, about 50%>, about 60%>, about 70%, about 80%, about 85% about 90%, about 95%, about 100% garbanzo flour. In some embodiments, the composition may comprise about 20-40%>, about 40-60%>, about 45-55%> garbanzo flour. In other embodiments, the compositions may comprise about 50-100%), about 60-95%), about 70-90%>, about 80-85%> garbanzo flour. In a particular embodiment, the composition can contain about 86.46%> garbanzo flour. In another particular embodiment, the composition can contain about 82% garbanzo flour. In yet another particular embodiment, the composition can contain 50.85% garbanzo flour.

[0089] In some embodiments, the composition can comprise fava bean flour. In some embodiments, the composition may comprise about 10%>, about 20%>, about 30%>, about 40%>, about 50%, about 60%, about 70%, about 80%, about 85% about 90%, about 95%, about 100% fava bean flour. In some embodiments, the composition may comprise about 1-30%, about 10-40%, or about 40-60% fava bean flour.

[0090] In some embodiments, the composition comprising garbanzo flour can also comprise fava bean flour. In some embodiments, the composition comprising garbanzo flour can also comprise about 0.5-60%), about 5-50%, about 10-45% fava bean flour. In a particular embodiment, the composition comprising garbanzo flour can also comprise about 14.46% fava bean flour. In yet another particular embodiment, the composition comprising garbanzo flour can also comprise about 38.98% fava bean flour.

[0091] In some embodiments, the garbanzo and fava bean flours together can comprise about 50-99.5% of the weight of the composition. In some embodiments, the garbanzo and fava bean flours together can comprise about 70-99%, or about 80-99%> of the weight of the composition. In a particular embodiment, the garbanzo and fava bean flours together can comprise about 96.46% of the weight of the composition. In another embodiment, the garbanzo flour can comprises about 82% of the weight of the composition, and the fava bean flour can comprise 14.46% of the weight of the composition. In yet another embodiment, the garbanzo and fava bean flours together can comprise 89.83%> of the weight of the composition. In yet another particular embodiment, the garbanzo flour can comprises 50.85%> of the weight of the composition, and the fava bean flour can comprise 38.98%> of the weight of the composition.

[0092] Gums

[0093] In some embodiments, the composition may also comprise one or more gums, such as, e.g., xanthan gum, acacia gum, gellan gum, guar gum, locust bean gum, tragacanth gum, carrageenan gum, or a combination thereof, for example. "Gums" refers to materials that act as gelling agents, often comprising polysaccharides and/or glycoproteins. Gums, such as xanthan gum, can be used in small amounts to provide significant thickening and viscosity, and can also be used to replace fat and emulsifiers. In some embodiments, the one or more gums comprise about 0.5%, 1%, 2%, 3%, 4%, 5%, 6%, 7%, 8%, 9%, 10%, 12.5%, 15%, or 20% of the dry weight or total weight of the composition. In some embodiments, gums can comprise about 0.5-20%), about 1-15%), or about 2-10%> of the dry weight or total weight of the composition. In particular embodiments, gums can comprise about 1-5% of the dry weight or total weight of the composition. In some embodiments, the composition can comprise xanthan gum, acacia gum, or a combination of the two. In some embodiments, gums can comprise about 0.5-20%> of the total weight of the composition.

[0094] In some particular embodiments, the composition can comprise a single gum only. In some embodiments, the single gum can be xanthan gum. In particular embodiments, the composition can comprise about 1-10% of the single gum xanthan gum. In another particular embodiment, the composition can comprise 3.54% xanthan gum.

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[0095] In other embodiments, the single gum can be acacia gum. In some embodiments, the composition can comprise about 1-10% of the single gum acacia gum. In a particular

embodiment, the composition can comprise 6.78% acacia gum. [0096] In other embodiments, the composition can comprise both xanthan gum and acacia gum. In some embodiments, the composition can comprise about 1-4% xanthan gum and about 1-4% acacia gum. In yet another embodiment, the composition can comprise 1.77% xanthan gum and 1.77% acacia gum.

[0097] In some embodiments, the composition can comprise one or more starches, such as, for example, arrowroot starch, cornstarch, tapioca starch, mung bean starch, potato starch, sweet potato starch, rice starch, sago starch, wheat starch. The term "starch" refers to polysaccharide materials, often produced by plants to act as energy stores. Starches can be used to impart thickening and stabilizing properties. In some embodiments, the one or more starches can comprise about 0.5%, 1%, 2%, 3%, 4%, 5%, 6%, 7%, 8%, 9%, 10%, 12.5%, 15%, or 20% of the dry weight or total weight of the composition. In some embodiments, the one or more starches can comprise about 0.5-20%, about 1-15%, or about 2-10% of the dry weight or total weight of the composition. In some embodiments, the composition can comprise a combination of gums and starches. In some embodiments, the composition can comprise both acacia gum and arrowroot starch. In some particular embodiments, the acacia gum and arrowroot starch together can comprise about 2-20% of the total weight of the composition. In other embodiments, the acacia gum and arrowroot starch together can comprise about 5-15% of the total weight of the composition. In yet another embodiment, the acacia gum and arrowroot starch together can comprise about 10% of the total weight of the composition. In a particular embodiment, the composition can comprise 6.78% acacia gum and 3.39% arrowroot starch.

[0098] In various embodiments, the starch may be modified starch. Suitable starches include, but are not limited to, pregelatinized starch (e.g., corn, wheat, tapioca), pregelatinized high amylose content starch, pregelatinized hydrolyzed starches (e.g., maltodextrins, corn syrup solids), chemically modified starches such as pregelatinized substituted starches (e.g., octenyl succinate modified starches), as well as mixtures of these starches. In various embodiments, the modified starch is a cold-water soluble modified starch derived from waxy maize. In various embodiments, the starch is sodium octenylsuccinate starch. Modified starches may be available commercially.

[0099] Mixes of guar gum and xanthan gum may be obtained in a commercial product, for example as Pre-Hydrated Stabilizer XC-8444, available from TIC Gums. Carboxy- methylcellulose may be obtained as a commercial product, for example, Pre-Hydrated®

Ticalose® CMC 2500 Powder available from TIC gums.

[00100] High-Fiber Content [00101] In some embodiments, the composition can also comprise a material with high- fiber content. In some embodiments, fiber in the composition can provide a high water-holding capacity that contributes to the overall texture of the final food product. In some embodiments, the high fiber material can be bran, e.g., a wheat bran, oat bran, corn bran, rice bran, or other bran. In some embodiments, the bran can be micronized into a fine powder. In some embodiments, micronizing the bran prevents the introduction of a grainy texture to the final food product. In some embodiments, the micronized bran can be micronized corn bran. In some embodiments, the high fiber material can comprise about 0.5%, 1%, 2%, 3%, 4%, 5%, 6%, 7%, 8%, 9%, 10%, 12.5%, 15%, 20%, 30%, 40%, 50% of the dry weight or total weight of the composition. In some embodiments, the high fiber material can comprise about 0.5-50%, about 1-30%, or about 2-20% of the dry weight or total weight of the composition. In other

embodiments, the composition does not comprise a high fiber material.

[00102] Lecithin

[00103] In some embodiments, the compositions can comprise lecithin. Lecithins are yellow brownish fatty substances that are present in animal and plant tissues, as well as egg yolk. Lecithin serves as an emulsifier, and has a similar fat profile to that of eggs. Lecithins are also non-allergenic. In some embodiments, the lecithins can comprise plant-based lecithins. In some embodiments, the lecithins can comprise garbanzo lecithin, fava bean lecithin, soy lecithin, sunflower lecithin, canola lecithin, or a combination thereof. In some embodiments, the compositions can comprise about 0.01%-25%, about 0.1%-20%, about 1-25%, about 0.01%- 10%), or about 4% of lecithin by dry weight or total weight of the composition. In some embodiments, the composition may not comprise lecithins.

[00104] Gypsum

[00105] In some embodiments, the compositions can comprise gypsum (calcium sulfate). Gypsum can advantageously provide coagulation and can have thickening properties as well. In some cases, the gypsum can be Terra Alba (calcium sulfate dihydrate). In some embodiments, the compositions can include, for example, between about 0.5%-20%), between about 1%- 15%, between about 0.5%-12%, or between about 0.5% - 2% by dry weight or total weight of gypsum. In some embodiments, the compositions may not comprise gypsum.

[00106] Magnesium Chloride and Papain [00107] In some embodiments, the compositions can comprise magnesium chloride

(Nigari) and/or papain (Papaya enzyme). In some embodiments, the composition can comprise, for example, between about 0.5% and about 20%, between about 1% and about 15%, or between about 0.5% and about 12% by dry weight or total weight of magnesium chloride and/or papain. In some embodiments, the composition does not comprise magnesium chloride or papain.

[00108] Bases and Acids

[00109] In some embodiments, the composition can comprise one or more bases, e.g., potassium carbonate or calcium carbonate. In some embodiments, the composition can comprise one or more acids, e.g., citric acid. The one or more acids and/or bases can be utilized to modify the pH of the composition. The composition can comprise between about 0.5% and about 30%, between about 0.5% and about 15%, or between about 0.5% and about 5% by total weight by dry weight or total weight of acids and/or bases. In some cases, the composition does not comprise acids or bases.

[00110] In some embodiments, the compositions can comprise sodium bicarbonate (baking soda), baking powder, calcium lactate (including a calcium lactate not derived from dairy), calcium carbonate, or Versawhip 6000 (enzyme- altered soy protein, can replace a part or all of the percentage of the protein). In some embodiments, these agents may be utilized as additional leavening agents in the composition. In some embodiments, the compositions can comprise about 1% -20%), or about 2- 12% by dry weight or by total weight of the above leaveners. In some embodiments, the compositions do not comprise sodium bicarbonate, baking powder, calcium lactate, calcium carbonate, or Versawhip 6000.

[00111] Coloring Agents

[00112] In some embodiments, the compositions can comprise one or more coloring agents. Various natural or artificial coloring agents are known to those skilled in the art, and can include, for example, carotenoids such as beta- carotene, turmeric, annatto, mango yellow, or palm-based oils. In some embodiments, the compositions can comprise about 0.1%- 20%, or between about 0.5%- 15% by dry weight or by total weight of a coloring agent. In some embodiments, the compositions may not comprise a coloring agent.

[00113] Flavoring Agents

[00114] In some embodiments, the compositions can comprise one or more flavoring agents. Various natural or artificial flavoring agents are known to those skilled in the art, and can include, for example, salt, spices, sugar, sweeteners, monosodium glutamate, sulfuric flavoring agents such as black salt, or other flavoring agents.

[00115] Methods of Making and Storing the Compositions

[00116] In some embodiments, the compositions can be prepared by dry blending. In some embodiments, the compositions can be processed using an inline high-shear mixer, cell disruption, liquid chromatography, including HPLC, sonication, and/or rotor-stator mixing technology. In some embodiments, the mixer can have a pump capability of at least about 500 gallons/minute, with a throughput of 50 gallons/minute. In some embodiments, the sonicator can have a throughput of at or above 5 gallons/minute. In other embodiments, the compositions can be prepared using standard home kitchen materials, e.g., a kitchen scale, mixing bowl, utensils, blender, or food processor. In some embodiments, the compositions can be stored as a dry material.

[00117] Storage and shelf life

[00118] Eggs and products made from eggs have a limited shelf-life. Raw eggs in the shells should only be stored with refrigeration for up to 5 weeks. When the yolk or the white are removed from the shell the storage life with refrigeration drops to only a maximum of 4 days. Commercially available non- sterile liquid egg substitutes also have a limited shelf life of up to about 7 days in the refrigerator. Similarly foods cooked with eggs have a limited storage life. A pie or a quiche cooked with eggs should only be stored for less than a week with refrigeration. Compositions of the invention can provide significant gains in shelf- life, for both the egg substitute and for products produced using the egg substitute.

[00119] Compositions of the invention can, in some embodiments, be stable in storage at room temperature for up to 1, 2, 3, 4, 5, 6, 7, 8, 9, or 10 weeks. In some embodiments compositions of the invention are stable for storage at room temperature for months, e.g. greater than 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, or 13 months. In some embodiments compositions of the invention are stable for refrigerated or freezer storage for months, e.g. greater than 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, or 13 months. In some embodiments compositions of the invention are stable for refrigerated or freezer storage for years, e.g. greater than 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, or 13 years. In some embodiments products produced using compositions of the invention are stable for storage at room temperature for months, e.g. greater than 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, or 13 months. In some embodiments products produced using compositions of the invention are stable for storage at room temperature for years, e.g. greater than 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, or 13 years.

[00120] In some embodiments, storage as a dry material can increase the shelf-life of the composition. In some embodiments the compositions are stored as a dry material for later reconstitution with a liquid, e.g. water.

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[00121] Reconstituting from a Dry Composition

[00122] In some embodiments the compositions in the invention are reconstituted with a liquid, e.g. water, milk, or other liquid suitable for human consumption. In one example 36-45 grams of liquid can be added to 12-15 grams dry weight of the composition to produce a substitute for 1 whole egg. The amount of liquid can be varied to suit a particular purpose for the reconstituted composition.

[00123] In some embodiments, the compositions, prior to the addition of water, could be first subjected to a sonicator, and the water content then added via a higher throughput method such as the inline high- shear mixer or rotor- stator mixer. Ability to apply intense shear and shorten mixing cycles can be desirable in creating desirable emulsions, or agglomerated powders — to be dispersed into a liquid medium. In some embodiments, the inline mixer is positioned in a flowing stream, the mixing process can be more tightly controlled than in a batch configuration, ensuring that the number of passes through the high-shear zone can be monitored with greater confidence. In some embodiments, solid and liquid additions can also be injected into the flow and dispersed with reproducible results.

[00124] Pre-hydrating the protein (e.g. incubating the flour with water for 24 hours) can in some embodiments improve the properties of the composition. Accordingly, in some

embodiments a dry composition is prehydrated for several hours or days, e.g. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, or 12 hours or 1,2, or 3 days. In one embodiment prehydrating the composition gives a thicker and stronger emulsion when the composition is used in food preparation.

[00125] Heating

[00126] Heat can be used to prepare the compositions of the invention. Heat can aid in reconstituting the compositions in a liquid. Heat can also serve to denature proteins of the compositions. However, in some embodiments heat is not necessary for preparing the compositions. Therefore in some embodiment the compositions of the invention are prepared by heating one or more components of the composition to a temperature of at least 60, 70, 80, 90, or 100 degrees Celsius. In some embodiments the components of the composition are heated to a temperature range of about between 60 and 80 or 85 degrees Celsius. In some embodiments the range is about between 59 and 81 or 86 degrees Celsius. In some embodiments the components of the composition are heated to less than 60 degrees Celsius or to more than 85 degrees Celsius. In some embodiments the heated composition is held at the elevated temperature for 1 - 10 minutes for 10 - 20 minutes. In some embodiments the heated compositions are held at the elevated temperature for less than 1 minute. In some embodiments the components of the composition are not heated for preparation of the composition.

[00127] Food Products

[00128] In some aspects, the invention provides a food product prepared using the compositions described herein, wherein the food product is indistinguishable from an equivalent product prepared using eggs. In some cases, the food product is a baked food product. Such baked food products include cookies, brownies, cake, and the like. In some cases, the food product is a sauce, dressing, or custard. In some cases, the food product is a scramble, omelet, or quiche indistinguishable from a scramble, omelet, or quiche prepared using eggs. In some cases, the food product is an ice cream, pasta, mealloaf, or burger patty. In some embodiments the food product is an emulsion, such as mayonnaise or dressings.

EXAMPLES

[00129] Example 1

[00130] One non-limiting composition is described below (by weight percentage).

Garbanzo Flour	86.5%
Micronized corn bran	10%
Xanthan gum	3.5%

[00131] Example 2

[00132] Another non-limiting composition is described below (by weight percentage).

Garbanzo Flour	82%
Fava bean flour	14.5%
Acacia gum	1.8%
Xanthan gum	1.8%

[00133] Example 3 [00134] Comparative composition is described below (by weight percentage):

Garbanzo Flour	51%
Fava bean flour	39%
Acacia gum	6.8%
Arrowroot starch	3.4%

[00135] Example 4

[00136] The compositions of Examples 1-2 and other compositions disclosed herein are used to replace eggs in traditional recipes, e.g. in baked goods, such as cakes, muffins, pastries, or cookies. The resulting foods, in this case baked goods, have superior qualities as compared to products baked with other egg substitutes. For example the mouthfeel of a yellow cake baked using the compositions of Examples 1-2 is more similar to yellow cake baked with eggs than yellow cake baked using previously attempted egg substitutes.

[00137] Mouthfeel ratings will demonstrate these similarities.

Product	Mouthfeel rating
Yellow cake baked with eggs	++++
Yellow cake baked with Example 1 composition	++++
Yellow cake baked with Example 2 composition	++++
Yellow cake baked using Egg Beaters™	+
Yellow cake baked with Ener-G™	++
Yellow cake baked with banana as egg substitute	+
Yellow cake baked with Bob's Red Mill™	++
Yellow cake baked with Organ egg powder™	++
Yellow cake baked with Silken Tofu™	+
Yellow cake baked with flax seed meal	+
Yellow cake baked with applesauce as egg substitute	+
Yellow cake baked with vinegar and baking soda as egg substitute	+
Yellow cake baked with buttermilk and yogurt as egg substitute	+

[00138] Example 5 [00139] In another example the taste of a cookie baked using the compositions of Examples 1-2 and further compositions described herein will be more similar a cookie baked using eggs than previously attempted egg substitutes.

[00140] Taste ratings will demonstrate these similarities.

Product	Taste rating
Cookie baked with eggs	++++
Cookie baked with Example 1 composition	++++
Cookie baked with Example 2 composition	++++
Cookie baked using Egg Beaters™	+
Cookie baked with Ener-G™	+
Cookie baked with banana as egg substitute	++
Cookie baked with Bob's Red Mill™	+
Cookie baked with Organ egg powder™	+
Cookie baked with Silken Tofu™	+
Cookie baked with flax seed meal	++
Cookie baked with applesauce as egg substitute	++
Cookie baked with vinegar and baking soda as egg substitute	+
Cookie baked with buttermilk and yogurt as egg substitute	+

[00141] Example 6

[00142] Foods prepared using the compositions provided herein will be shown to have substantially identical properties as foods prepared using natural eggs. A composition provided herein will allow the preparation of egg-free foods with substantially identical viscosity, binding properties, thickening properties, leavening properties, emulsifying properties, texture, color, and/or flavor.

[00143] Human assessments will demonstrate the substantially identical properties

Exhibit 54

Product	Viscosity	Binding properties	Thickening properties	Leavening properties	Emulsifying properties	Texture	Color	Flavor
Food prepared with eggs	baseline	baseline	baseline	baseline	baseline	baseline	baseline	baseline
Food prepared with Example	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass

1 composition

Food prepared Pass Pass Pass Pass Pass Pass Pass Pass Pass with Example

2 composition

Food prepared Fail on one or more measures

using Egg

Beaters™

Food prepared Fail on one or more measures

with Ener-G™

Food prepared Fail on one or more measures

with banana as

egg substitute

Food prepared Fail on one or more measures

with Bob's Red

Mill™

Food prepared Fail on one or more measures

with Organ egg

powder™

Food prepared Fail on one or more measures

with Silken

Tofu™

Food prepared Fail on one or more measures

with flax seed

meal

Food prepared Fail on one or more measures

with

applesauce as

egg substitute

Food prepared Fail on one or more measures

with vinegar

and baking

soda as egg

substitute

Food prepared Pass Pass Pass Pass Pass Pass Pass Pass Pass with additional

compositions

disclosed

herein

Food prepared Fail on one or more measures

with buttermilk

and yogurt as

egg substitute

[00144] Example 6B [00145] Commercial egg-replacers tested in cake against an egg

[00146] As seen in the following table and Figure 1 through Figure 6, commercially available products achieved ratings similar to the blank (no egg, just water) in most quality parameters.

Ingredients (g)	Egg	Water	Inerts	VanTech	Scoveman Mill
Egg	206				
Water		131.92	73	71.52	76
Inerts			5.2		
Van Tech				12	
Scoveman Mill					26
All purpose flour	225	225	112.5	112.5	112.5
Cake flour	225	225	112.5	112.5	112.5
oil	200	200	100	100	100
baking powder	15	15	7.5	7.5	7.5
Salt	5	5	2.5	2.5	2.5
Sugar	225	225	112.5	112.5	112.5
Milk	282.5	282.5	141.25	141.25	141.25
Total	1385.5	1309.42	676.95	672.27	692.75
% Water	0.316	0.316	0.316	0.316	0.316

[00147] Example 7

[00148] Replacing eggs in mayonnaise

[00149] Eggs in standard full-fat mayonnaises (e.g a 78% full- fat mayonnaise) can be replaced by a blend of 50%> pea protein isolate and 50%> modified starch. The pea protein contains 80%> protein, a maximum of 10%> carbohydrate, a maximum of 3% fat, and maximum of 1%) fiber. The modified starch is a cold-water soluble modified starch derived from waxy maize. See Figure 12.

[00150] Example 8

[00151] Replacing eggs in mayonnaise

[00152] Eggs in standard full-fat mayonnaises (e.g a 78% full- fat mayonnaise) can be replaced by a blend of 59% pea protein isolate and 41%> modified starch. The pea protein contains 80%> protein, a maximum of 10%> carbohydrate, a maximum of 3% fat, and maximum of 1%) fiber. The modified starch is a cold-water soluble modified starch derived from waxy maize. See Figure 12.

[00153] Example 9

[00154] Food products equivalent to full- fat mayonnaise [00155] Compositions of the inventions are useful for the production of food products that are substantially identical to food products produced with real eggs. For example the

compositions disclosed in Example 7 and 8 produce a product which is substantially similar to standard 78% full- fat mayonnaises. This will result in a product containing no egg or egg byproducts that when rated by a human is substantially the same as a standard full- fat mayonnaise.

[00156] In this example, pre-hydrating the protein (incubating the flour with water for 24 hours) gives a much thicker and stronger emulsion.

[00157] Example 10

[00158] Extraction of pea protein from an off-the-shelf pea protein product results in better results compared to use of the off-the-shelf pea protein product.

[00159] Example 11

[00160] A few dozen iterations of making mayonnaise with pea protein and starch (as above) in combination with a wide range of commercial gums and starches resulted in different product structures. Emulsion stability was highest using the pea protein/starch combination of Example 7 and Example 8.

[00161] These gums and starches include: guar gum, xanthan gum,

carboxymethylcelluloses and other maize starches in varying concentrations.

[00162] Example 12

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[00163] Addition of gums and cellulose makes the structure of the egg substitute more creamy and smooth, but the stability of the emulsion may be less than without.

[00164] A typical formulation for a creamy egg substitute for an emulsion is:

46% pea protein isolate

46%) modified starch

4%) mix of guar gum and xanthan gum

4%) carboxymethylcellulose

[00165] Example 13

[00166] Replacing eggs in bakery products: cookies

[00167] An egg-replacer for cookies is:

74%) cold milled sorghum flour

17%) baking soda 8.3% micronized corn bran

0.6 % xanthan gum

[00168] A second egg-replacer formulation in a range of cookies (chocolate chip, oatmeal raisin, peanut butter and snickerdoodle):

86% garbanzo(chickpea) flour

10%) micronized corn bran

3.2%) baking powder

0.8%) xanthan gum

[00169] Example 14

[00170] Cold milling methodology

[00171] Seeds milled in the presence of liquid nitrogen preserve protein conformation allowing them to remain more functional in the application. A typical formulation is cold milling of seeds to form flour that is used as a replacement for flour from seeds milled at ambient or elevated temperatures in any of the above uses or recipes.

[00172] Example 15

[00173] Replacing eggs in bakery products: cakes and muffins

[00174] Both cold- and ambient-milled extracts from the following seeds are tested for leavening, cohesiveness and springiness in muffins: Sorghum, White sorghum, Soy bean, Millet, Vallarta, Stueben, Green fagelot, Black beluga, Black calypso, Chana daL, Amaranth, Lentil, Red lentil, Black lentil, Golden lentil, Do pung-style lentil, Sprouted green lentil, Sweet brown rice, Navy bean, Red bean, Pink bean, Canellini bean, Giant white lima bean, Christmas lime bean, Baby lima bean, Mung bean, Peeled fava bean, Good mother stellard bean, Cranberry chorlotts bean, Santa maria pinguinto bean, Brown tepary bean, Black turtle bean, Yellow split pea, Black turtle beans, Brown teff flour, Rye flour, Quinoa flour, Potato flour, White rice flour, Brown rice flour, Oat flour, Buckwheat flour, Whole grain corn flour, Stone ground cornmeal, Pre-cooked split pea, Pre-cooked garbanzo flour, Arrowroot powder, and Potato starch.

[00175] Example 16

[00176] Muffins

[00177] Following a standard recipe for muffins, 11 different types of muffins were made. Each batter was made at half recipe. The equivalent of a whole egg was mixed for each substitute, but only half the formulation was used in the recipe consistent with the half recipe batter volume.

Exhibit 54

	Change in Recipe	Result
1	Water control- (1.5 grams of water)	Bland/bready
2	Egg control- (1/2 an egg mixed)	airier, sweeter, more flavor
3	Garbanzo flour and Fava Bean Protein	crumbly
4	Pea Protein and Fava Bean Protein	good mouthfeel
5	Precooked Split Red Lentil Powder and Fava Bean Protein	Mostly sweet
6	Precooked Split Yellow Pea Powder and Fava Bean Protein	Egg taste
7	Pea Protein (no fava bean protein)	good mouthfeel
8	Precooked Split Red Lentil Powder (no fava bean protein)	Rich flavor
9	Precooked Split Yellow Pea Powder (no fava bean protein)	Sweet
10	Precooked Split Red Lentil Powder (no fava bean protein) with 0.1 gram of egg powder flavor	Egg flavoring not noticeable
11	Garbanzo flour and Fava Bean Protein with 0.1 gram of egg powder flavor	Egg flavoring not noticeable

[00178] Example 17

[00179] Muffins

[00180] Following a standard recipe for muffins, 6 different types of muffins were made. Each batter was made at half recipe. The equivalent of a whole egg was mixed for each substitute, but only half the formulation was used in the recipe consistent with the half recipe batter volume.

Ingredient (grams)	Egg	Water	1	2	3	4
Egg	25	0	0	0	0	0
Water	0	12.5	12.5	12.5	12.5	12.5
Example 3	0	0	1.5	3	5.5	9

Flour 125 125 125 125 125 125

Sugar 98.5 98.5 98.5 98.5 98.5 98.5

Salt 1.5 1.5 1.5 1.5 1.5 1.5

Baking 6 6 6 6 6 6 Powder

Milk 150 150 150 150 150 150

Vegetable Oil 49 49 49 49 49 49

[00181] Results are shown in Figure 7 through Figure 10.

[00182] Example 18

Cryo-milled and ambient-milled extracts from the same type of grain or legume are showing different functional effects when used in baking standard recipe muffins. These functional effects comprise important parameters in baked goods such as cohesiveness, springiness, leavening, airiness.

[00183] Example 19

[00184] Extraction methodology

[00185] Flours are incubated with water to extract the soluble fraction, which is separated from the pellet by centrifugation after which the supernatant is used in the application.

[00186] Example 20

[00187] Pre-hydrating the protein

[00188] Incubating flour with water gave a thicker and stronger emulsion when the composition is used in food preparation. Egg-replacer was incubated with water for 1, 3 or 5 hours before using it to prepare an egg-less mayonnaise. The resulting mayonnaise was tested in a Bostwick consistometer. The thickness of the mayonnaise as reflected in a smaller distance travelled increased with hydration time. Results are shown in Figure 11.

Exhibit 54

[00189] Example 20

[00190] Fractionating protein

[00191] Fractionating protein and adding the light fraction of flours to baked goods results in a better texture compared to adding the corresponding whole flours. Especially the

cohesiveness of the baked goods is stronger when prepared with the light fraction. The light fraction can be obtained by methods like centrifuging or air classification. [00192] Example 21

[00193] Mayonnaise

[00194] Mayonnaises made with eggs or with a pea protein- starch composition were made and compared at room temperature with a commercial egg-mayonnaise after dilution with 20 vol% water in a Bostwick consistometer. Fresh-made egg mayonnaise and commercial egg mayonnaise have similar consistencies, which is a validation of the mayonnaise production process. The eggless mayonnaise had a thicker consistency than both the commercial and fresh-made egg mayonnaise. See Figure 13.

[00195] Example 22

[00196] Egg-less mayonnaise

[00197] Particle size distribution of a control egg-mayonnaise (Con/dark line) and an eggless mayonnaise (Test/light line) made with pea protein and starch. Both mayonnaises were tested in a Malvern Mastersizer 3000 light- scattering device. The oil droplet size distribution of the eggless mayonnaise is similar to that of the control mayonnaise, demonstrating that using the egg-replacer resulted in a mayonnaise with the same oil droplet distribution as a control egg- mayonnaise. See Figure 14.

[00198] Example 23

[00199] Muffins

[00200] Muffins were prepared to test height, cohesiveness, and springiness.

[00201] For cryo-milling, beans/grains were placed in liquid nitrogen until thermal equilibrium was reached. Cryogenized beans/grains were milled in a heavy duty blender until the flour temperature reached a temperature of 20°C.

[00202] For ambient milling, beans/grains were processed in a heavy duty blender until the flour temperature reached a temperature 90°C after which they were kept at that temperature for 5 min.

[00203] Flours were collected from the blender and were tested in a standard recipe muffin. Cohesiveness and springiness were measured using a Brookfield Texture Analyzer. Height of the muffin was measured using a digital caliper. WL represents giant white lima beans. GM represents good mother stallard beans. BL represents black lentils. OB represents baby lima beans. See Figure 15 through Figure 17. [00204] While particular embodiments of the present invention have been shown and described herein, it will be obvious to those skilled in the art that such embodiments are provided by way of example only. Numerous variations, changes, and substitutions will now occur to those skilled in the art without departing from the invention. It should be understood that various alternatives to the embodiments of the invention described herein may be employed in practicing the invention. It is intended that the following claims define the scope of the invention and that methods and structures within the scope of these claims and their equivalents be covered thereby.

PATENT CITATIONS

Cited Patent	Filing date	Publication date	Applicant	Title
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US4120986 *	Jun 28, 1977	Oct 17, 1978	Stauffer Chemical Company	Whole egg replacer
US4777045 *	Jul 26, 1985	Oct 11, 1988	Nabisco Brands, Inc.	High bran snack
US6878394 *	Dec 17, 2003	Apr 12, 2005	Conopco, Inc.	Egg replacer concentrate and liquid egg replacer
US20080181990 *	Jan 24, 2008	Jul 31, 2008	Ledbetter Kati R	Compositions comprising wheat protein isolate and related methods
US20090041901 *	Aug 7, 2008	Feb 12, 2009	Archer-Daniels-Midland Company	Egg replacement and emulsifier system and related methods
US20110008522 *	Sep 9, 2010	Jan 13, 2011	The Nisshin Oillio Group, Ltd.	Full-Fat Soybean Flour-Containing Composition, and Egg Substitute Composition

* Cited by examiner

CLASSIFICATIONS

Exhibit 54

International Classification	A23L1/20, A23L1/10
Cooperative Classification	A23L1/24, A23L1/1016, A23L1/053, A23L1/035, A23L1/0522, A23L1/0526, A23L1/0534, A23L1/0541, A23L1/2005, A23L1/3216, A21D2/186, A21D2/183, A21D10/002, A21D2/165, A21D2/266

LEGAL EVENTS

Date	Code	Event	Description
Jun 26, 2013	121		Country of ref document: EP Kind code of ref document: A1 Ref document number: 12845681

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Exhibit 54

Page 20 of 20

Sotosky, Jeffrey - AMS

From: Mitch Kanter <MKanter@eggnutritioncenter.org>
Sent: Tuesday, December 10, 2013 9:52 AM
To: Elisa Maloberti; Elisa Maloberti
Subject: FW: Patent
Attachments: Beyond Eggs Patent-WO2013067453A1.pdf

From: Mitch Kanter
Sent: Monday, December 09, 2013 5:23 PM
To: 'Gilbert Leveille'
Subject: FW: Patent

Gil-

Hope you're doing well and staying warm, wherever you are at the moment.

Don't know if you've seen any of the press lately about a new egg replacer that's about to hit the market, called Beyond Eggs. At first blush I don't think the product is any different than any other egg replacer that's out there, but the folks who have created the product seem to be masters of PR. They are attacking the egg industry on animal ethics issues, as well as environmental footprint issues. They are saying they plan to "bring down" the egg industry and it's "inhumane" practices. A big factor in their favor is the fact that the Gates Foundation gave them a couple of million dollars in startup money to launch the product. They are definitely trying to appeal to the non-animal protein crowd, and if nothing else they've been successful so far at getting press. They've been written up in all the big newspapers/magazines, etc.

While I don't think anyone in the egg industry considers these folks to be a significant threat, there's always the concern that they can harm the industry on a couple of fronts. So we're trying to do due diligence on the product and the prospects for its success. Among other things, we've got a copy of their patent (attached) and will be reviewing it to see if they've really got anything novel here.

I was wondering if you might have some time to review the patent, and give me some general thoughts on what you find. Is there real novelty here? Do they make claims that they can strongly protect? Is the product a variation on various other similar products that have come before them?, etc. Any insights you can provide would be helpful.

Of course we'll compensate you for your time. So please let me know if this is something you'll have the time to do. A fairly quick turnaround would be preferred, so if you're tied up for the next few weeks it might not make sense for you to review. But if you can get us some info in the next couple of weeks your insights would be greatly appreciated.

Thanks for considering. Hope you and your family have a great holiday season. Hope to hear from you soon, whether you have the time to review the patent or not.

Take care for now,
Mitch

Exhibit 55

Page 1 of 1

Sotosky, Jeffrey - AMS

From: Mitch Kanter <MKanter@eggnutritioncenter.org>
Sent: Tuesday, December 10, 2013 9:59 AM
To: Wang, Tong [FSHNA]
Cc: Elisa Maloberti; Elisa Maloberti
Subject: FW: Patent
Attachments: Beyond Eggs Patent-WO2013067453A1.pdf

Toni-

Hope you're doing well and staying warm in Ames. My son told me how cold it's been there, so I'm happy I'm in "balmy" Chicago today.

I know that Elisa Maloberti from AEB left you a voice mail the other day regarding a product review we're in the process of doing. We were wondering if you might be able to provide some help on this project.

Don't know if you've seen any of the press lately about a new egg replacer that's about to hit the market, called Beyond Eggs. At first blush I don't think the product is any different than any other egg replacer that's out there, but the folks who have created the product seem to be masters of PR. They are attacking the egg industry on animal ethics issues, as well as environmental footprint issues. They are saying they plan to "bring down" the egg industry and it's "inhumane" practices. A big factor in their favor is the fact that the Gates Foundation gave them a couple of million dollars in startup money to launch the product. They are definitely trying to appeal to the non-animal protein crowd, and if nothing else they've been successful so far at getting press. They've been written up in all the big newspapers/magazines, etc.

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Thanks for considering. Hope you and your family have a great holiday season. Hope to speak to you and Hongwei soon, whether you have the time to review the patent or not.

Take care for now.
Mitch

Sotosky, Jeffrey - AMS

From: Wang, Tong [FSHNA] <tongwang@iastate.edu>
Sent: Saturday, December 21, 2013 4:49 PM
To: Mitch Kanter
Cc: Elisa Maloberti; Wang, Tong [FSHNA]; Joanne Ivy; John Howeth; Elisa Maloberti; Joanne Ivy; John Howeth
Subject: RE: Patent
Attachments: Review of egg substitute-12-21-13.docx

Dear Mitch:

As you requested, I have written a review to address all your questions.

If you have comments and suggestions, please let me know.

I will be traveling from the 23rd to the 2nd, but I will check my e-mail often.

Have a great holiday and a prosperous new year!

All the best!

Toni

PS: I copy Joanne and John on this e-mail, since we had an earlier communication on this.

Tong (Toni) Wang, Ph.D., Professor
Department of Food Science and Human Nutrition
2312 Food Sciences Building
Iowa State University
Ames, IA 50011-1061
Phone: 515-294-5448
Fax: 515-294-8181
<http://www.fshn.hs.iastate.edu/content/directory/websites/wang.php>
Publications and Citation: <http://scholar.google.com/citations?user=Vml04csAAAAJ&hl=en>

From: Mitch Kanter [mailto:MKanter@eggnutritioncenter.org]
Sent: Tuesday, December 10, 2013 8:59 AM
To: Wang, Tong [FSHNA]
Cc: Elisa Maloberti
Subject: FW: Patent

Toni-

Hope you're doing well and staying warm in Ames. My son told me how cold it's been there, so I'm happy I'm in "balmy" Chicago today.

I know that Elisa Maloberti from AEB left you a voice mail the other day regarding a product review we're in the process of doing. We were wondering if you might be able to provide some help on this project.

Don't know if you've seen any of the press lately about a new egg replacer that's about to hit the market, called Beyond Eggs. At first blush I don't think the product is any different than any other egg replacer that's out there, but the folks who have created the product seem to be masters of PR. They are attacking the egg industry on animal ethics issues, as well as environmental footprint issues. They are saying they plan to "bring down" the egg industry and it's "inhumane" practices. A big factor in their favor is the fact that the Gates Foundation gave them a couple of million

dollars in startup money to launch the product. They are definitely trying to appeal to the non-animal protein crowd, and if nothing else they've been successful so far at getting press. They've been written up in all the big newspapers/magazines, etc.

While I don't think anyone in the egg industry considers these folks to be a significant threat, there's always the concern that they can harm the industry on a couple of fronts. So we're trying to do due diligence on the product and the prospects for its success. Among other things, we've got a copy of their patent (attached) and will be reviewing it to see if they've really got anything novel here.

I was wondering if you might have some time to review the patent, and give me some general thoughts on what you find. Is there real novelty here? Do they make claims that they can strongly protect? Is the product a variation on various other similar products that have come before them?, etc. Any insights you can provide would be helpful.

Of course we'll compensate you for your time. So please let me know if this is something you'll have the time to do. A fairly quick turnaround would be preferred, so if you're tied up for the next few weeks it might not make sense for you to review. But if you can get us some info in the next couple of weeks your insights would be greatly appreciated.

Thanks for considering. Hope you and your family have a great holiday season. Hope to speak to you and Hongwei soon, whether you have the time to review the patent or not.

Take care for now.
Mitch

Review: Can *Beyond Egg* products fully substitute eggs?

Dr. Tong Wang, Professor of Food Science and Human Nutrition

Iowa State University

Dec 21, 2013

Request (e-mail) from Dr. Mitch Kanter:

- Review the patent, and give some general thoughts on what you find (state composition)
- Is it any different from any other egg replacer that's out there? Is there real novelty here (what others have not used)?
- Due diligence on the product and the prospects for its success
- Any insights would be helpful

Patent (WO 2013067453A1): Plant-based egg substitute and method of manufacture

Claim: A multifunctional whole egg substitute with similar functional and nutritional profiles as egg

Background: Hampton Creek Foods (CEO Josh Tetrick, culinary director of innovations and a former contestant on Bravo TV's Top Chef Chris Jones) recently released a new product, *Just Mayo* mayonnaise, and justified for creating a new egg replacer as low cholesterol and saturated fat; relieved the allergic to eggs problem; suitable for vegans, better for hen-handling and environment/humanitarian concerns; and better safety. A host of other products may be released and produced based on the *Beyond Egg's* patent claims and its wide range of product and formulation scopes. However, scientifically, can eggs be fully replaced without compromising the food functionality (composition, texture, sensory, and nutritional qualities)? This review attempts to cover these topics through a thorough literature review.

1. **The Patent (WO 2013067453A1, Tetrick et al, 2013)** composition claims to provide binding, moisturizing, leavening, creaminess, and/or emulsifying properties similar to an egg. The egg substitute comprises plant proteins, emulsifiers, oil, gum, polysaccharides, and many other ingredients, as listed below:
 - Up to 80% protein; from various beans and peas (garbanzo, fava beans, yellow pea, sweet brown rice, rye, golden lentil, chana dal, soybean, sorghum, sprouted green lentil, du pung style lentil, and/or white lima bean), proteins from wheat, corns, peanut and canola;
 - 5-15% fat; from garbanzo and fava beans (which contain very low level of lipids, 5 and 1.5%, respectively) and other beans, and from typical oilseeds;
 - Bean flours;
 - Choline;
 - Lecithin – from various **plant** sources;
 - Acids and bases: also serve as leavening agent;
 - High fiber up to -15%, micronized corn bran;
 - Gum (Ticalose of TIC gums, xanthan, or acacia gum) and starch (can be modified);
 - Gypsum – coagulation and thickening;
 - Egggy taste (not by adding any chemical);
 - Enzymes, similar or dissimilar (such as papain) to what are in eggs
 - Coloring and flavoring agents

2. Composition and nutritional qualities of egg replacers compared to whole egg:

Egg replacers are generally divided to 3 categories: **plant protein based** (soy, wheat, pea, etc.), **wehey protein based**, and **carbohydrate or gum based**. Soy protein-based replacers are generally unacceptable because of the strong beany flavor. Gum/fiber-based replacers typically have poor functionalities due to the weak binding properties. Whey protein-based replacer may be most acceptable from the functionality point of view but it is an animal source protein.

From protein nutrition point of view, egg and dairy proteins have the highest quality. Proteins from egg, milk, soy and wheat have the Protein Digestibility Corrected Amino Acid Score (PDCAAS) of 118, 121, 91 and 42, respectively (Schaafsma, 2000). If legume flours are used as egg substitutes, the PDCAAS will be much lower. PDCAAS is a method of evaluating protein quality based on both the amino acid requirements of humans and their ability to digest it. The PDCAAS rating has been used by the US Food and Drug Administration (FDA) and the Food and Agricultural Organization of the United Nations/World Health Organization (FAO/WHO) as "the preferred 'best'" method to determine protein quality.

For the egg lipid component and quality, yolk lipid has unique nutritional properties. Although various egg replacer formulations contain lecithin (most likely soy or plant lecithin) and choline, if the lipids are not from marine and unique sources, they will most likely not contain docosahexanoic acid (DHA, 22:6, omega-3) and arachidonic acid (ARA, 20:4, omega-6). DHA and ARA are contained in egg yolk and they are extremely important and essential for infant or adult neural development and maintenance (Wijendran et al, 2002; Gibson et al, 1997). Egg phospholipid supplementation in preterm infants significantly reduces necrotic enterocolitis. The phospholipid vector seems to be the best vehicle for DHA transfer via brain-blood barrier, and lyso-PC form of DHA is 12-fold more actively taken up when compared to nonesterified DHA (Carlson et al., 1998). It has been suggested that Infant formula be supplemented with AA in amounts of at least the DHA quantity and be at 0.2 % - 0.5% of total fatty acids; and yolk lecithin seems to be an ideal choice to provide these unique essential nutrients.

3. Texture and sensory properties

Eggs are used as an ingredient in baked foods for several important functional properties, such as binding, leavening, tenderizing, volume, texture, stabilization, emulsification, foaming, coagulation, flavor, color and nutritional value. Texture and sensory qualities are the key parameters. Commercial egg replacers are promoted as capable of replacing egg "up to 100%" in the formulations. Such claims are potentially unrealistic considering the unique compositions and all the functionalities egg can provide.

Geera et al. (2011) used three egg replacers in making muffin and compared their performance to liquid and dried whole egg. The three egg replacers are representative of the 3 classes of replacers on the market: a replacer containing a mixture of soy flour, wheat gluten, corn syrup solids, alginate; a fiber type of replacer containing sugar cane fiber, xanthan gum and guar gum; and a whey protein concentrate replacer. These replacements are done at a level of 75% replacement for whole egg, because the researchers found that none of the egg replacers used could produce acceptable quality muffins at 100% replacement. The formula containing soy flour produced muffins with the highest off-flavor, least desirable overall flavor and most intense aftertaste, which were all considered to be unfavorable for desired product quality. Many others (Brewer et al. and Klein et al.) also reported the negative effects of incorporating soy flour into baked products (Geera, 2011). Ratnayake et al. (2012)

used the same set of treatments (3 replacers at 70 to 75% of replacement of the egg and two egg controls) in making yellow cake. It was again found that egg is critical to obtain the desired product quality characteristics. Partial replacement of egg with commercial egg replacers changed product characteristics, altering moisture retention, bulk density, color, texture and flavor. Again, among the five formulations of yellow cakes evaluated, the soy/wheat gluten-based egg replacer resulted in a less acceptable product, mainly due to the high levels of off flavor. These studies suggest that egg, as an ingredient, plays a critical role in determining the overall quality of baked goods.

Egg replacers composed of whey protein isolate, wheat starch, guar gum, xanthan gum or their blends were used to replace egg in making yellow cake (Kohrs et al, 2010). These replacers were used at the levels of 50% and 100% of the dried whole eggs. It was found that the blends containing whey protein performed the best, having the closest volume and texture measurement compared to the control. Even at 100% replacement, the 6 attributes of cake (crust stickiness, crumb color, springiness, moistness, firmness, and egg flavor) with the whey-based replacements were comparable to the control. Egg replacer from whey (Anonymous, 1985), Vari-Dairy Plus, was also used as egg white substitute that may replace up to 100% of the egg used in pancake waffle mixes, salad dressing or sherbet.

In reviewing the research efforts to reduce fat and cholesterol contents in salad dressing and mayonnaise, Ma and Boye (2013) reported the possibility of using plant-based ingredients or reduced-cholesterol egg yolk in the formulation of mayonnaise. They suggested that many other ingredients with different functional roles, such as gums, starches, emulsifiers, stabilizers, and fat replacers have to be used to maintain the original viscoelastic properties of dressing and mayonnaise. The studies examined by the authors evaluated the behavior of using plant-based proteins as emulsifiers to replace yolk. These proteins include soybean, lupin, pea, and wheat proteins as extensively summarized by Ma and Boye (2013). However, many ingredients have to be used to compensate egg's functionalities, and such use of additives creates a non-desirable labeling problem that is in direct conflict of "Clean Label" consumer trend.

4. Is this new patent any different from other egg replacers, and is there real novelty?

The main components in the WO 2013067453A1 patent have been used elsewhere, except for the oils from garbanzo and fava beans and other beans that are not oilseed materials. Typical non-oilseed beans contain very low level of oil (<5%) compared to about 22% in soybeans.

Several patents from Bodor et al. as listed in reference section describe egg replacers that are mainly **soy protein based** and are for preparing bakery products. Their replacer may contain 35-85% protein (soy protein at >50% of total protein, and egg white), 10-50% vegetable oil, 0.5-5% stearyl lactylate, 0.5-15% carbohydrate and, optionally vegetable lecithin (Bodor, 2008). Bodor et al. (2005) and Bodor (2005) also patented egg replacers that are made of 35-85% protein (soy protein at >50% total protein, milk protein, and optionally egg white protein). Bodor et al. (2007) further patented egg-free mayonnaise product that has specified amount of oil and combined soy (SPI) and whey proteins.

A whole egg replacer could be prepared by combining protein material, i.e. **sesame flour**, oil and salt, food grade emulsifier, pre-gelatinized starch, gum, and texturizing agents (alginates and/or carrageenan) to form a whole egg replacer (Lynn, 1977). An egg yolk substitute by Jowett (1986) is composed of undenatured functional **proteins of dairy and soybean** of at least 88% purity and an oil. An egg substitute formulation based on **wheat protein isolate** and emulsifier was reported by Elmusa et al. (2012). Egg replacer with **full-fat soybean flour** and an emulsifying agent was reported by Satou et al.

(2011). A patent from Roca (2012) illustrates an egg replacer comprises egg albumen, **vegetable protein isolate**, egg flavor, dye colorant etc. A patent by Li (2013) revealed an egg substitute comprising **wheat protein**, emulsifiers, oil with 20-50°C melting point, and polysaccharides as egg yolk substitute. Supplementary proteins, such as milk, soybean, **peanut, sunflower**, wheat protein isolate and **hydrolyzed wheat protein** can be used.

Therefore, using plant and legume proteins and protein concentrates as egg replacer formulation is not new. The use of **pea protein** products as egg replacer has been promoted by USA Dry Pea and Lentil Council (2013).

5. Competitors - commercial products:

Fiber based: Ener-G egg is formulated strictly for baking and it is free of gluten, wheat, casein, dairy, yeast, egg, soy, nut with low or no sodium. Its carbohydrate-based composition (potato starch, tapioca flour, leavening, cellulose gum, modified cellulose) makes it have poor performance for binding. This egg replacer may have used a patented fiber composition (Lungberg and Huppert, 2013) that is used as an ingredient in making dairy-containing products, especially cheeses, cheese spreads, etc. This highly refined cellulosic material (e.g., cellulose, modified celluloses, derivatized celluloses, hemicellulose, lignin, etc.) may replace shortenings and fats and oils.

Plant protein based: Pea protein egg replacer has been introduced in making bakery products by the USA Dry Pea and Lentil Council (www.pea-lentil.com). Natural Products, Inc's **Scotsman Mills** products (Blue 100 Whole Egg Replacer) is a soy-based egg replacement system designed to maximize savings and deliver equivalent functionality as whole eggs (powder or liquid) in a variety of sweet baked products. **Honeyville's Powdered Gold Egg Substitute** provides a low cost alternative for baking. This is a wheat and soy-based egg replacement used for baked goods including waffles, cookies, cake donuts, brownies, pancakes and more. **Bob's Red Mill egg Replacer** contains whole soy flour, wheat gluten, corn syrup solids, etc.

Dairy protein based: Eggstend 220 and 300 (Parmalat Ingredients, Ontario, Canada) are claimed as new egg replacer products but their composition information is very limited. From indirect literature, Eggstend 300 seems to contain 57% whey protein concentrate.

6. Final comments:

Because of the versatile functional and nutritional properties of egg, it will be extremely difficult or impossible to fully replace egg in a food formulation without the accompanying product defect. By replacing egg with substitutes, only certain functionality of food may be met and the products may only be acceptable by a particular population of the consumers.

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Reynolds, Leon - AMS

From: Mia Roberts <MRoberts@aeb.org>
Sent: Monday, March 03, 2014 1:50 PM
To: Joanne Ivy; Joanne Ivy
Subject: FW: Beyond Eggs Consumer Research
Attachments: Consumer Research Questions 2.13.14.docx; Beyond Eggs SOW FINAL.DOC; AEB_Amendment 1 to SOW_Beyond Eggs.doc

Final proposed research questions and SOW, for your final review and approval. Thanks!

From: Jensen, Elizabeth (Schreiber) [<mailto:elizabeth.jensen@edelman.com>]
Sent: Monday, March 03, 2014 12:50 PM
To: Mia Roberts
Subject: RE: Beyond Eggs Consumer Research

Great! The final draft of the survey questions are attached along with the SOW amendment and original SOW for your reference!

Thank you,
Elizabeth

From: Mia Roberts [<mailto:MRoberts@aeb.org>]
Sent: Monday, March 03, 2014 12:47 PM
To: Jensen, Elizabeth (Schreiber)
Subject: RE: Beyond Eggs Consumer Research

I think this is ready to go, let's put a final draft together so I can show Joanne and we can get moving!! Mia

From: Jensen, Elizabeth (Schreiber) [<mailto:elizabeth.jensen@edelman.com>]
Sent: Thursday, February 27, 2014 4:02 PM
To: Mia Roberts
Subject: RE: Beyond Eggs Consumer Research

Hi Mia,

Hope you are well and hope you had a great time in Hawaii! We just wanted to circle back on the survey as we'd love to get it in the field before board meeting. In regards to your question below, we feel we definitely need to include the specific names of Hampton Creek, Josh, etc so that we have that individualized ammunition for communications and for producers.

Also, I was hoping to see if you have some time to connect tomorrow or Monday to chat about board meeting since it's around the corner! Let me know what works best for you!

Elizabeth

From: Mia Roberts [<mailto:MRoberts@aeb.org>]
Sent: Friday, February 21, 2014 3:57 PM
To: Jensen, Elizabeth (Schreiber)
Subject: RE: Beyond Eggs Consumer Research

Elizabeth! Gosh, I have to clean out my mailbox, I've missed a few emails this week.

I have looked at this and have a question in to Joanne -- as soon as I hear back from her, I'll respond to everyone on this thread.

My question is, do we really want to be calling out only Hampton Creek and Josh Tetrick, specifically, or should we expand that question to include other egg replacers, and not just Hampton Creek:

1. Which of the following are you familiar with? [CHOOSE ALL THAT APPLY]
 - a. Beyond Eggs
 - b. Just Mayo
 - c. Hampton Creek
 - d. Josh Tetrick

Stay tuned and apologies for the delay!

Mia

From: Jensen, Elizabeth (Schreiber) [elizabeth.jensen@edelman.com]

Sent: Friday, February 21, 2014 3:33 PM

To: Joanne Ivy; Mia Roberts

Cc: Maher, Missy; Liuzzi, Andrew; Burch, Kellie

Subject: FW: Beyond Eggs Consumer Research

Hi Joanne and Mia,

Happy Friday! We just wanted to follow up regarding the Beyond Eggs Consumer Research survey questions and SOW amendment to see if you have any feedback or questions? Just let us know when you have a chance!

Best,
Elizabeth

From: Jensen, Elizabeth (Schreiber)

Sent: Thursday, February 13, 2014 5:05 PM

To: 'Joanne Ivy'; Mia Roberts

Cc: Maher, Missy; Liuzzi, Andrew; Burch, Kellie

Subject: Beyond Eggs Consumer Research

Hi Joanne and Mia,

Hope all went well in Phoenix! The Beyond Eggs Consumer Research survey questions are attached for your review. As a reminder, the purpose of this research is to vet consumer perception of Beyond Eggs and provide actionable intelligence to help shape both internal (in response to producer questions/concerns) and external communications and ensure a consistent strategy moving forward. For the survey, we recommend reaching out to 1,000 primary grocery shoppers (age 18+) with five questions to gauge their knowledge of plant-based egg replacers, knowledge of Hampton Creek Foods and options on laboratory created foods.

In addition, we've attached an addendum to the original scope of work for Beyond Eggs to cover the cost of the survey. We've also included the original SOW for your reference.

Please reach out with any questions, and we look forward to your feedback.

Best,
Elizabeth

**American Egg Board
Omnibus Survey Questions**

1. How familiar are you with plant-based egg replacers?
 - a. Very familiar
 - b. Somewhat familiar
 - c. Not very familiar
 - d. Not at all familiar

2. Which of the following are you familiar with? [CHOOSE ALL THAT APPLY]
 - a. Beyond Eggs
 - b. Just Mayo
 - c. Hampton Creek
 - d. Josh Tetrick

3. Have or would you consider purchasing plant-based egg replacers over natural eggs?
 - a. Yes
 - b. Maybe
 - c. No
 - d. Not sure

4. What is your feeling towards food that is mostly artificially produced by scientists in a laboratory and not entirely by nature?
 - a. Negative
 - b. Neutral
 - c. Positive
 - d. Not sure

5. Have or would you consider purchasing or serving food that is mostly artificially produced by scientists in a laboratory and not by entirely by nature?
 - a. Yes
 - b. Maybe
 - c. No
 - d. Not sure

EXHIBIT [E]

**American Egg Board and Edelman
STATEMENT OF WORK
PROJECT NAME: BEYOND EGGS OUTREACH
November 1, 2013 –January 31, 2014**

Pursuant to the Agreement by and between The American Egg Board ("Client") and Daniel J. Edelman, Inc., doing business as Edelman ("Edelman") dated September 1, 2006, this Statement of Work is incorporated into and subject to the terms and conditions of the Agreement. The parties agree to the below Scope of Services and financial terms:

SCOPE OF SERVICES

Overview

Edelman supports the American Egg Board's (AEB) Beyond Eggs outreach program from November 1, 2013 – January 31, 2014. The partnership includes providing strategic counsel, media outreach and monitoring and blogger relations in regards to Beyond Eggs.

Deliverables/Milestones & Timeline

Program Element	Activities	Start & End Dates	Est. Fees	Est. Expenses	Est.Total
WSJ and HuffPo Letters to the Editor	Strategic counsel to date, drafting, editing, submitting and follow up of (2) Letters to the Editor submissions to WSJ and Huffington Post	November 1, 2013- January 31, 2014	\$5,500	As incurred	\$5,500
Media Relations, Monitoring and Follow-Up	Real-time response to Beyond Eggs coverage; following up with top 25 print food, features and health reporters; ongoing monitoring and reporting; drafting proactive/reactive statements, coordinating potential interviews		\$10,000	As incurred	\$10,000
Blogger Relations	Research and negotiations with 5-10 key influential bloggers in food and health/nutrition space, drafting key messaging and coordinating posts. Includes OOPs for sponsored post partnerships with bloggers (5-10)		\$18,000	\$15,000	\$33,000
Strategic Counsel	Ongoing strategic counsel, reviewing media requests, participating in calls: OOPS for misc admin expenses		\$7,000	\$1,500	\$8,500
Paid Search/Outbrain	Coordination with Starcom, reviewing content and providing links		\$2,500	As incurred	\$2,500

Any items not contemplated above will be considered outside the Scope of Services. If Client expands the Scope of Services, the amount required to perform the additional services will be agreed upon and an Addendum will be attached to the current Statement of Work.

BUDGET

Professional Fees: **\$43,000**
 Estimated Expenses: **\$16,500 + As Incurred**
Total: **\$ 59,500**
Edelman Core Rate Card:

Intern	\$67.50
Assistant Account Executive	\$121.50
Account Executive	\$130.50
Senior Account Executive	\$144.00
Account Supervisor	\$153.00
Senior Account Supervisor	\$180.00
Vice President	\$216.00
Senior Vice President	\$252.00
Executive Vice President	\$310.50
EVP GM	\$414.00

Edelman Standard Rate Card (for corporate involvement)

Intern	\$75.00
Assistant Account Executive	\$135.00
Account Executive	\$145.00
Senior Account Executive	\$160.00
Account Supervisor	\$170.00
Senior Account Supervisor	\$200.00
Vice President	\$240.00
Senior Vice President	\$280.00
Executive Vice President	\$345.00
EVP GM	\$460.00

Client authorizes Edelman to bill up to ten percent (10%) over the estimated amounts in the above Budget without seeking further approval. If fees or expenses are anticipated to exceed ten percent (10%) over the estimated amounts, Edelman will issue an addendum to the current SOW for Client's approval.

TERMS

Fee Billing. At the end of each month, Edelman shall invoice Client the exact fees based upon the hours incurred in performing the Services during that month. Such fees will be based upon Edelman's rate card ("Rate Card") as described above.

Expense Billing. Edelman shall invoice Client the actual out-of-pocket expense amount(s) at the end of the month on an as incurred basis. Actual expenses may vary from any estimated amounts provided in the Budget section.

Invoices. Edelman will render invoices to include professional services detailed by person and expenses by category. Documentation for out-of-pocket expenses will be available upon request. Payment of the invoices will be due net thirty (30) days from the invoice date. All such invoices shall be addressed to:

Name:	Joanne Ivy
Company Name:	American Egg Board
Address:	P.O. Box 738 Park Ridge, IL 60068

Purchase Order. The client Purchase Order number is **N/A**.

ACCEPTED AND AGREED TO ON THIS 23 DAY OF December, 2013.

The American Egg Board

DANIEL J. EDELMAN, INC.

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Exhibit 58

Page 3 of 3

Page 6 of 7

February 13, 2014

Mia Roberts
American Egg Board
P.O. Box 738
Park Ridge, IL 60068

Re: First Amendment (the "Amendment") to that certain Exhibit E – Statement of Work – Beyond Eggs Outreach (the "Agreement") dated December 23, 2013 between American Egg Board (the "Company") and Daniel J. Edelman, Inc. d/b/a Edelman ("Edelman").

Dear Mia:

Subject to the full execution of this Amendment, Edelman and Company hereby agree to the following:

Edelman and Company hereby agree to extend the term of the Agreement from January 31, 2014 through April 30, 2014.

Edelman and Company hereby agree to amend the Agreement to include additional scope of services.

Therefore, paragraph entitled Deliverables/Milestones & Timeline of the Agreement shall be revised to include the following language:

Beyond Egg Consumer Research: Conduct qualitative/quantitative consumer research to pinpoint and prioritize areas of focus. For example, research will, ideally, provide actionable intelligence on what attacks are gaining traction with consumers and which are not so as to help industry calibrate level of communications response (if any) to ensure a consistent response strategy moving forward.

Edelman and Company hereby agree to amend the Agreement to include additional fees in the amount of \$6,000 and out-of-pocket costs to field the survey in the amount of \$4,000.

Therefore, paragraph entitled Budget of the Agreement shall be replaced in its entirety following language:

BUDGET

Professional Fees:	\$49,000
Administrative Charge (3%):	\$ 1,470*
Estimated Expenses:	<u>\$ 20,500 + As Incurred</u>
Total:	\$ 70,970

*Admin fee covers administrative expenses related to in-house photocopying, local telephone calls, long distance and teleconference calls as well as certain research, media databases and subscriptions that are used to service your account.

Except as specifically amended by this Amendment, all other terms and conditions of the Agreement shall continue in full force and effect during the extended term of the Agreement. A copy of the Agreement is attached for reference.

If the foregoing terms and conditions are acceptable, please sign and date both originals of this Amendment and return one (1) original to Edelman.

Very truly yours,

Daniel J. Edelman, Inc.

By: _____

Name: _____

Title: _____

Date: _____

ACCEPTED:

American Egg Board

By: _____

Name: _____

Title: _____

Date: _____

MINUTES

EXECUTIVE COMMITTEE
American Egg Board
Hilton Rosemont/Chicago O'Hare
March 12, 2014

Executive Committee Present

Roger Deffner, Chairman
Blair Van Zetten
Paul Sauder
Andrew Reichman

Chris Pierce, *ex officio*
Joanne Ivy, *ex officio*

Executive Committee Absent

Greg Herbruck

New Executive Committee Member

Scott Ramsdell

Committee Chairmen Present

Jerry Wilkins, Consumer Marketing
Brian Joyer, Foodservice & Egg Product Marketing
Mark Oldenkamp, Industry Programs
Karyn Kreher, Nutrition

AEB Staff

Dennis Kane
Mitch Kanter (part time)

USDA

Emily DeBord

Auditors

Cliff Shapiro
Canny Chen

Chairman Roger Deffner called the meeting to order at 7:30 a.m. on Wednesday, March 12. It was moved by Paul Sauder, seconded by Blair Van Zetten, to approve the November 7, 2013 Executive Committee minutes as presented. Motion was approved unanimously.

Cliff Shapiro and Canny Chen with Plante Moran provided a comprehensive review of AEB's 2013 GAGAS audit, which was followed by a scheduled executive session.

Dennis Kane presented the financial report for the period ending February 28, 2014. AEB remains financially SOUND. At February 28, 2014 Cash totaled \$2,377,863 and Investments totaled \$8,777,140. Assessments Receivable (net of allowance for bad debt), was \$2,356,655. Only 3.2% of the total Assessments receivable was older than 90 days. Accounts Payable at February 28, 2014 totaled \$249,834, representing bills received and paid after February 28.

Compared to a year ago, the Balance Sheet is larger by \$1,256,541. This is in alignment with favorable income for the year 2013 and in part with the timing of seasonal activities and the recording of payables as they are received. For the two months ending February 28, 2014, AEB's Revenues totaled \$3,992,185. AEB's 2014 total expenses, as reported department by department, was \$3,186,066 and was favorable by over \$2.6 million when compared to the two month budget.

For the year 2014, AEB is budgeted to spend \$3,500,000 more than anticipated revenues. In addition, there is \$1,704,973 of Nutrition Research carry-over expenses representing research grants that were budgeted for 2013 but not completed or expensed.

A motion was made by Sauder, seconded by Van Zetten, to accept the financial report. Motion was approved unanimously.

Kane mentioned that there has been considerable time between a Board Meeting and when a member/alternate submits their expenses. **A motion was made by Sauder, seconded by Chris Pierce, that Board member/alternate expense reports must be submitted within 90 days of the meeting. Motion passed unanimously.**

Joanne Ivy reviewed a report on "Line Items 10% or more over Budget" for 2013. Materials Distribution was the only Program Budget over budget due to the low sales volume. She reported on a new e-commerce system on aeb.org being established to help generate sales by making purchasing easier and more efficient.

Ivy also presented a review of AEB's Top 50 Vendors report, providing a two-year comparison for each vendor. It was decided to remove the banks processing CDs and to add a column showing the percentage change from the current to previous year.

Ivy reviewed the organizational policies and the AEB-approved policies and answered questions. She introduced two new organizational policies for Executive Committee's approval – Retention policy and Civil Rights and Equal Opportunity Policy. **Motion was made by Sauder, seconded by Van Zetten, to approve these policies and to forward to USDA for final approval. Motion was approved unanimously.**

AEB has a corporate credit card for the specific purpose of purchasing computer software and hardware as well as other administrative purchases. Kane reviewed the 2013 credit card charges.

Ivy commented on the 2014 Budget and pointed out the automatic carry over for nutrition research. She also mentioned that most committees would have carry overs that would be presented in the Committee Meeting to come to the Board for final approval. Ivy reported that the Executive Committee needed to consider carrying over the balance of the \$59,500 funds allocated for the Beyond Eggs program. **A motion was made by Van Zetten, seconded by Sauder, to carry over the balance in the amount of \$46,404 to 2014. Motion was approved unanimously.**

Dr. Mitch Kanter presented alternative contract language for the USDA required language for the ownership of patents, copyrights, trademarks, inventions or publications to be used when the type of research project does not necessitate the original contract language. **A motion was made by Van Zetten and seconded by Sauder, to approve the alternative language and the revised indemnification language as presented, which will now be sent to USDA for final approval. Motion was approved unanimously.**

Ivy provided an update on the Vitamin D project to encourage egg producers voluntarily to enhance their feed with Vitamin D so that all eggs could make the claim that eggs are an Excellent Source of Vitamin D. She reported on information provided by AEB's lawyers to give direction on how to proceed with this project. It was the consensus of the Executive Committee to move forward with this project. This information will be discussed in the Nutrition Committee.

The California Prop 2 situation was discussed, and Ivy stated she will work with other egg organizations to address this situation if there were a media crisis. AEB's role would be to maintain consumer confidence in the safety of all eggs to prevent a decline in demand.

Nominating Committee Chair Chris Pierce presented the slate for the 2014 Executive Committee. **A motion was made by Pierce, seconded by Andrew Reichman, to accept the nominations for the 2014 Executive Committee to be presented at the Board Meeting for election. Motion was approved unanimously.**

At the Strategic Planning meeting in February, staff was directed to develop plans to increase AEB's visibility with all egg producers. It became apparent that many egg producers do not have a clear idea of what AEB is doing on their behalf. In addition to the AEB's industry communications program, which is excellent, Ivy reported that AEB plans ways to directly present its programs to the egg industry. Ivy has met with Chad Gregory to work cooperatively with UEP to have a strong presence at the UEP Area Meetings this August.

Ivy reviewed AEB collections' Delinquency and Bankruptcy report. AEB continues to have a very low delinquency rate with just one egg producer more than 2 months delinquent. There is one egg producer that is in Chapter 11 bankruptcy. **A motion was made by Sauder, seconded by Van Zetten, to write-off the balance due by Lehman's Egg Service that is in bankruptcy. Motion was approved unanimously.**

Ivy reviewed AEB's organizational chart, noting that we have three new employees. Two new employees are replacing employees who have recently retired.

There was some discussion about changing the November Board Meeting format to the March Board Meeting, which is AEB's Annual Meeting. Further discussion on changing the meeting formats will be discussed at the July Board Meeting.

With no other business, the meeting adjourned at 12:00 noon.

(b) (6)

Paul Sauder, Chairman

3/24/14
Date

Exhibit 59

Page 3 of 3

Reynolds, Leon - AMS

From: John Howeth <JHoweth@aeb.org>
Sent: Monday, March 31, 2014 1:55 PM
To: Jerry Smiley (jerry@strategicgrowth.us)
Cc: John Howeth; John Howeth
Subject: FW: Beyond Eggs Update
Attachments: HamptonCreekPitchDeck.pdf

I don't see any of the previous consultants we discussed on the list. See page 7.

John Howeth
VP, Foodservice & Egg Product Marketing
American Egg Board
1460 Renaissance Drive
Park Ridge, IL 60068
Office: 847.296.7043
Direct: 224.563.3705
www.AEB.org

From: Liuzzi, Andrew [<mailto:Andrew.Liuzzi@edelman.com>]
Sent: Monday, March 31, 2014 12:10 PM
To: Joanne Ivy; Mia Roberts; Mitch Kanter; Kevin Burkum; John Howeth
Cc: Singer, Jamie; Jensen, Elizabeth (Schreiber); Englert, Jenny; Maher, Missy
Subject: Beyond Eggs Update

Afternoon all—We wanted to quickly flag two Beyond Eggs articles that recently hit online on [Business Insider](#) and [Entrepreneur](#), which provide an inside look into Josh Tetrick's strategy for recruiting potential investors. Beyond the actual coverage, the interesting aspect is that Hampton Creek's full pitch deck was included within the articles, providing us with valuable insight into Hampton Creek's overall media and communications strategy.

We've attached the deck for you and have pulled out some key insights along with some next steps:

- **Key Takeaways**

- Tetrick is focused on targeting and appealing to the mainstream, economically-conscious consumer as opposed to the fringe, animal-loving activist. While this may not be a sustainable approach for him, it clearly represents the larger market opportunity
- As previously mentioned, Tetrick has positioned his company as a science- and research-based technology company amongst the likes of Amazon to enhance credibility. However, as evidenced by our BE research, this focus on science/technology could backfire a bit with mainstream consumers and represents a competitive advantage for eggs.
- Looking at the company and team of advisors, they have clear ties into industry (former Del Monte CEO), progressive media (HuffPo) and NGO community (HSUS) so we should not be surprised by past, present or future activist campaigns, progressive media coverage or questions from industry establishment

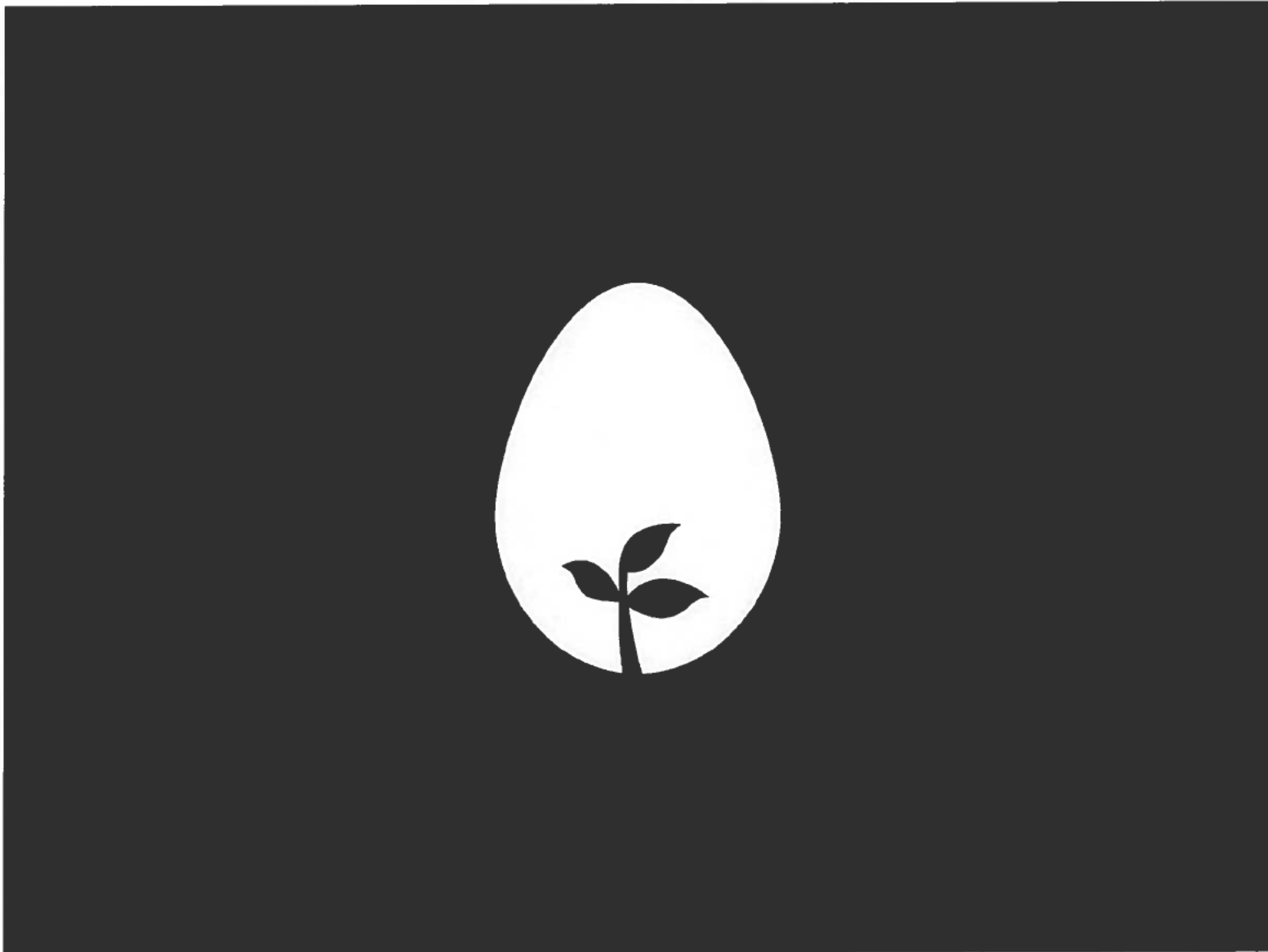
- As expected, food manufacturers are a key target and should be ours as well

- **Tetrick's argument against egg industry**

- Within the slides, Tetrick lays out the argument against the Egg Industry, citing: food safety concern, animal mistreatment, cost volatility and genetically-modified feed. While cost and animal well-being are well-known, food safety and GM feed are two areas Tetrick hasn't put much focus on.
- Regarding food safety, Tetrick specifically calls out Salmonella (via egg recall), FDA regulations and Avian flu.
- **For consideration**
 - Given how much his platform is based on the plants, have we ever given any thought to how we can attack the plant aspect? Meaning-we spend our time defending the benefits of the egg, but I wonder if any scientists/academics could offer a substantive report on why plants are a bad choice?
- **Next Steps**
 - Based on this information and in order to be prepared, we feel it is important to develop messaging in response to the key areas within Tetrick's argument against the industry.
 - If aligned, we can draft up messages regarding GM feed and food safety.

We are happy to talk through next steps and how to leverage this information in more detail. In the meantime, please let us know if you have any questions!

Best,
Andy

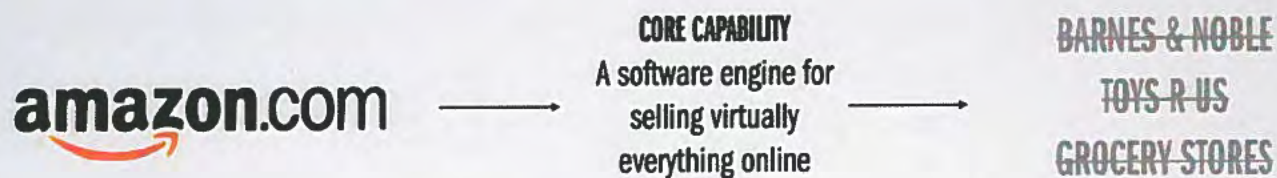


1

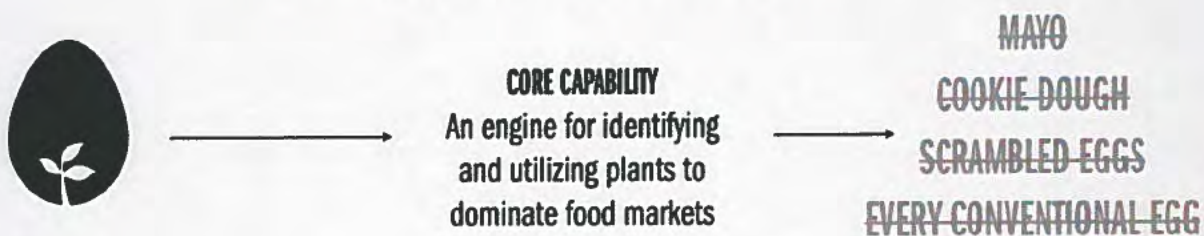
Exhibit 60

Page 3 of 24

"A technology company pioneering e-commerce." - Bezos



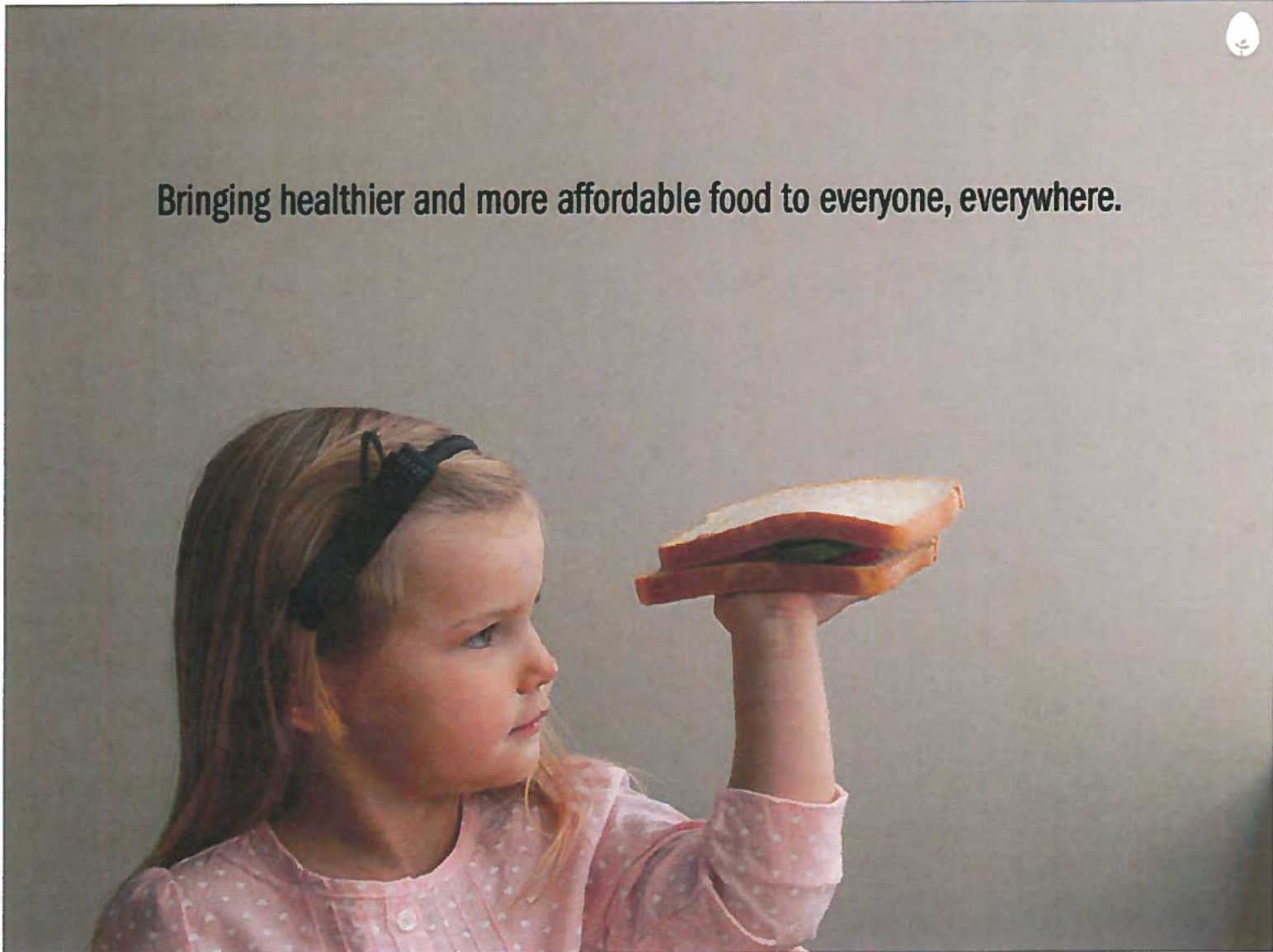
A technology company pioneering food.

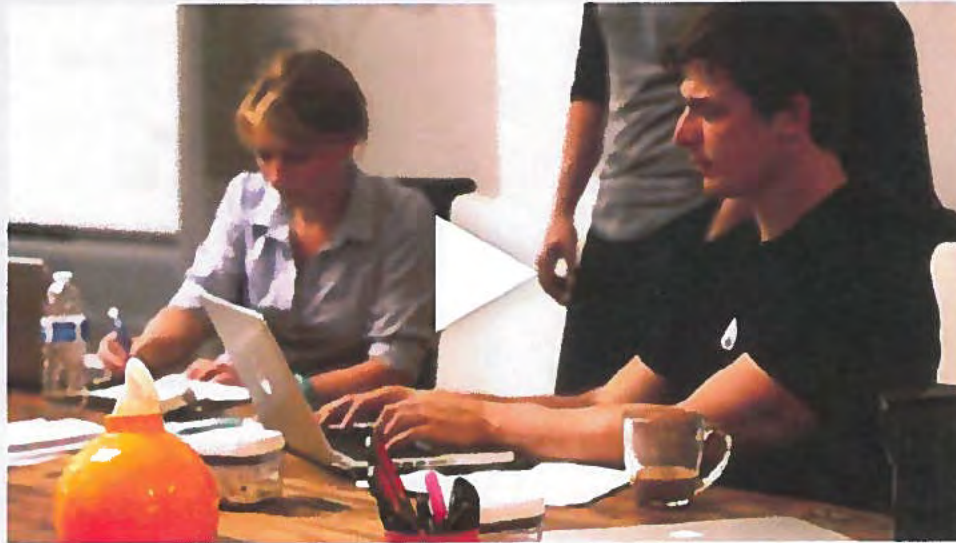






Bringing healthier and more affordable food to everyone, everywhere.





“Earth changing.”

Andrew Zimmern, Travel Channel Host



Hampton Creek wins 2013 Popular Science Best of What's New Grand Award for its "Plant-Based Egg"

**POPULAR
SCIENCE**

6

Exhibit 60

Page 8 of 24

HAMPTON CREEK

Josh Tetrick, CEO/Founder

April Oh, Chief of Staff

Yuebo (Grace) Zhu, Financial Analyst

Bianca Ruffin, Operations Manager

Jordan Viola, Creative Director

Ashley Seo, Creative Designer

Colby Macri, Filmmaker

Morgan Oliveira, Director of Communications

Oliver Ryan, Recruiter

Marc Lavason, Director of Supply Chain

Jose Manjarrez, Supply Chain Specialist

Karin Olsson, Director of International & Institutional Relationships

Caroline Love, Director of Corporate Partnerships

Sarah Forney, Director of Community & Partnerships

Jordan Tetrick, Relationship Team Member

Jackie Lowitt, Corporate Partnerships Specialist

Stephanie Cheng, Corporate Partnerships Specialist

Michelle Leu, Customer Loyalty Specialist

Josh Hyman, Corporate Partnerships Specialist

Graham Oliveira, Relationship Specialist Fellow

Chris Jones, Director of Culinary Innovation

Trevor Niekowal, Research Chef

Andrew Schultze, Food Technician

Joshua Klein, Director of Biochemistry R&D

F. Douglas Ivey, Senior Scientist, Biochemistry

Gosia Jakubasch, Senior Scientist

Brenna Gibson, Research Associate

Carla Li-Carrillo, Research Associate

Jake Kleiner, Biochemistry Research Associate

Camilla Hall, Biochemistry Research Associate

Shweta Rao, Director of Bakery Innovation

Swetha Mahadevan, Food Scientist

Susan Thiell, Research Scientist

Julie Uccelli, Associate Food Technologist

Kara Ricciardi, Associate Food Technologist

Andrew TenEyck, Associate Food Scientist

Trung Hoang, Associate Food Scientist

Uyen Tran, Lab Technician

Xiaotian Zhang, Sensory Scientist

Matt Tom, Systems Engineer

Drew Ross, Process Engineer

ADVISORS

Richard Wolford, Former CEO Del Monte

Josh Balk, Director of Food Policy, The Humane Society of the United States

Kathy Freston, NYT Best Selling Author and contributor for Huffington Post

Ian Ross, Director of Customer & Product Insight, Disney Interactive Media Group

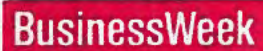
David Mann, Business Operations, Dropbox

Nathan Wolf, Director of Global Viral

Exhibit 60

Page 9 of 24

Hampton Creek has told its story to millions.



**THE MARKET &
HAMPTON CREEK**

Exhibit 60

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MASSIVE OPPORTUNITY



GLOBAL MAYO MARKET

\$11.3B

US	\$3.5B	China	\$0.04B	Mid East	\$0.51B
Canada	\$0.5B	AUS/NZ	\$0.24B	Other Asia	\$1.73B
UK	\$0.5B	India	\$0.02B	Other LatAm	\$1.32B
Rest of Europe	\$1.9B	Mexico	\$0.48B	Russia	\$0.67B

**Source: Euromonitor*

US RETAIL COOKIE DOUGH MARKET

\$1.7B

General Mills Annual US Dough Sales	\$1.16B
Other Annual US Dough Sales	\$0.54B

*Source: General Mills 10K, Nestle annual report

5 FACTORS DRIVING DEMAND



- ① **Rising + Volatile Egg Ingredient Costs**

- ② **Sustainable Eating** (Driven by Millennials)

- ③ **Cholesterol**

- ④ **Food Safety** (Concern over antibiotic use & Avian Flu)

- ⑤ **34 Million have Egg Allergies or Egg Sensitivities in the US**

DIVING DEEPER: SUSTAINABLE EATING

RATIO OF ENERGY INPUT TO FOOD-ENERGY OUTPUT

LAMB 57:1

BEEF CATTLE 40:1

EGGS 39:1

SWINE 14:1

DAIRY (MILK) 14:1

TURKEY 10:1

CHICKEN 4:1

HAMPTON CREEK 2:1



Source: Sustainability of Meat-Based and Plant-Based Diets and the Environment

14

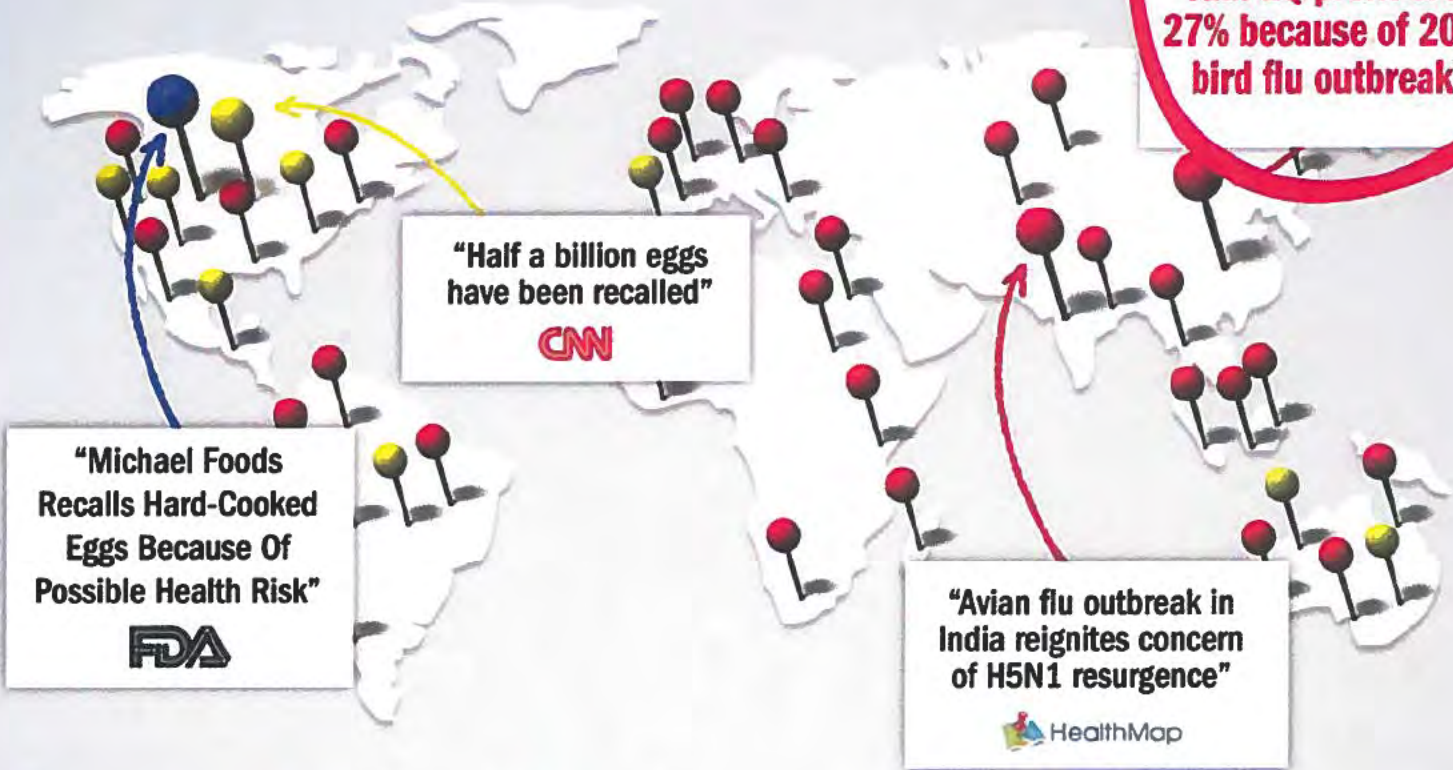
Exhibit 60

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DIVING DEEPER: FOOD SAFETY

(Major Outbreaks 2009-2013)

BREAKING NEWS:
"Yum 1Q profit drops 27% because of 2013 bird flu outbreak"



- Egg Listeria Major Outbreak
- Egg Salmonella Major Outbreak
- Avian Flu Major Outbreak

DIVING DEEPER: OUR COST ADVANTAGE

**WE ARE 48%
MORE COST
EFFECTIVE
THAN CONVENTIONAL
CHICKEN EGGS**



SALES PRICE - \$/LBS. PRICE DOES NOT INCLUDE PACKAGING OR DISTRIBUTION PACKAGES

Source: <http://usda.mannlib.cornell.edu/usda/ams/PWEGGPRODUCTS.pdf>

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Exhibit 60

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TECH PLATFORM

HAMPTON CREEK SCREENS THROUGH HUNDREDS WEEKLY



18

Exhibit 60

Page 20 of 24

TWO CANADIAN YELLOW PEA SPECIES GIVE RADICALLY DIFFERENT RESULTS







EAT^{THE}
Dough

21

Exhibit 60

Page 23 of 24

COMING SOON...



Reynolds, Leon - AMS

From: Novak, Brittany L <Brittany.Novak@nielsen.com>
Sent: Thursday, February 05, 2015 9:32 AM
To: Kevin Burkum; Kevin Burkum
Subject: RE: Just Mayo

Hi Kevin,

I have processed the order. Once the order has been approved, it will be delivered between 5-7 business days.

Please let me know if you have any questions or concerns.

Thank you for your business with Nielsen!

Thanks,

Brittany Novak

Client Business Partners | Nielsen

P: 847-605-5682

F: 847-728-5584

www.nielsen.com

nielsen
.....

From: Kevin Burkum [mailto:KBurkum@aeb.org]
Sent: Wednesday, February 04, 2015 3:53 PM
To: Novak, Brittany L
Subject: RE: Just Mayo

Here you go, thanks Brittany. Please advise as to timing, thanks.

Kevin Burkum | Senior Vice President of Marketing

American Egg Board

O 847.296.7043 | D 224.563.3702 | F 847.296.7007

PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068

IncredibleEgg.org AEB.org



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From: Novak, Brittany L [mailto:Brittany.Novak@nielsen.com]
Sent: Wednesday, February 04, 2015 3:29 PM
To: Kevin Burkum
Subject: RE: Just Mayo

Hi Kevin,

Attached is the corresponding contract. Please review and let me know if there needs to be any changes.

If not, please sign and return back to me at your earliest convenience.

Please let me know if you have any questions or concerns.

Thanks,
Brittany Novak

Client Business Partners | Nielsen

P: 847-605-5682

F: 847-728-5584

www.nielsen.com



From: Kevin Burkum [<mailto:KBurkum@aeb.org>]

Sent: Wednesday, February 04, 2015 2:56 PM

To: Novak, Brittany L

Subject: RE: Just Mayo

Let's include all their items, thanks.

Kevin Burkum | *Senior Vice President of Marketing*

American Egg Board

O 847.296.7043 | D 224.563.3702 | F 847.296.7007

PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068

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From: Novak, Brittany L [<mailto:Brittany.Novak@nielsen.com>]

Sent: Wednesday, February 04, 2015 2:43 PM

To: Kevin Burkum

Subject: RE: Just Mayo

Hi Kevin,

You know on your current deliverables, how you see the both the brands and items ranked for the EGGS - FRESH category? An item rank report for 'Just Mayo' would be the same thing, meaning it rank all of their items from the most sales volume to the least sales volume.

Or are you looking for just one total for the brand?

Thanks,
Brittany Novak

Client Business Partners | Nielsen

P: 847-605-5682

F: 847-728-5584

www.nielsen.com



From: Kevin Burkum [<mailto:KBurkum@aeb.org>]

Sent: Wednesday, February 04, 2015 2:40 PM

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Page 2 of 9

To: Novak, Brittany L
Subject: RE: Just Mayo

Sorry, I don't understand the question?

Kevin Burkum | *Senior Vice President of Marketing*

American Egg Board

O 847.296.7043 | D 224.563.3702 | F 847.296.7007
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
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From: Novak, Brittany L [<mailto:Brittany.Novak@nielsen.com>]

Sent: Wednesday, February 04, 2015 2:39 PM

To: Kevin Burkum

Subject: RE: Just Mayo

Hi Kevin,

Quick question before I send over the contract, are you just looking for an Item Rank report? Meaning, do you want to see all the measurement information for all their items as well?

Thanks,

Brittany Novak

Client Business Partners | Nielsen

P: 847-605-5682

F: 847-728-5584

www.nielsen.com



From: Kevin Burkum [<mailto:KBurkum@aeb.org>]

Sent: Wednesday, February 04, 2015 2:24 PM

To: Novak, Brittany L

Subject: RE: Just Mayo

Sounds great. Let's proceed, thanks Brittany.

Kevin Burkum | *Senior Vice President of Marketing*

American Egg Board

O 847.296.7043 | D 224.563.3702 | F 847.296.7007
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
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From: Novak, Brittany L [<mailto:Brittany.Novak@nielsen.com>]
Sent: Wednesday, February 04, 2015 12:26 PM
To: Kevin Burkum
Subject: RE: Just Mayo

Hi Kevin,

As discussed on the phone, the new price for the report would be **\$1,700**. This price includes the following specifications:

- **Channel:** Total US xAOC
- **Brand:** Just Mayo
- **Periods:** 13-4 week break outs (4 week cume together for the past year), and 1-52 week cume
- **Facts:** 9 Measurements

Please let me know if you have any questions or concerns.

Thanks,
Brittany Novak

Client Business Partners | Nielsen

P: 847-605-5682

F: 847-728-5584

www.nielsen.com

nielsen
.....

From: Kevin Burkum [<mailto:KBurkum@aeb.org>]
Sent: Wednesday, February 04, 2015 12:17 PM
To: Novak, Brittany L
Subject: RE: Just Mayo

I'm sorry, but I'm not grasping the difference?

Kevin Burkum | *Senior Vice President of Marketing*

American Egg Board

O 847.296.7043 | D 224.563.3702 | F 847.296.7007

PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068

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From: Novak, Brittany L [<mailto:Brittany.Novak@nielsen.com>]
Sent: Wednesday, February 04, 2015 12:12 PM
To: Kevin Burkum
Subject: RE: Just Mayo

Hi Kevin,

No that is not what Option 2 had included. Would you want both included (so 1-52 week and 52-1 week break outs)?

Exhibit 61

Page 4 of 9

Thanks,
Brittany Novak

Client Business Partners | Nielsen

P: 847-605-5682

F: 847-728-5584

www.nielsen.com



From: Kevin Burkum [<mailto:KBurkum@aeb.org>]

Sent: Wednesday, February 04, 2015 12:11 PM

To: Novak, Brittany L

Subject: RE: Just Mayo

Great. We'll also get a cum?

Kevin Burkum | *Senior Vice President of Marketing*

American Egg Board

O 847.296.7043 | D 224.563.3702 | F 847.296.7007

PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068

IncredibleEgg.org AEB.org



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From: Novak, Brittany L [<mailto:Brittany.Novak@nielsen.com>]

Sent: Wednesday, February 04, 2015 12:10 PM

To: Kevin Burkum

Subject: RE: Just Mayo

Hi Kevin,

Option 2 would show you each individual week break out for the past 52 weeks. This will definitely help you determine if the brand is gaining traction or not, with the single will this will also help you identify exactly when the spike occurs.

Thanks,

Brittany Novak

Client Business Partners | Nielsen

P: 847-605-5682

F: 847-728-5584

www.nielsen.com



From: Kevin Burkum [<mailto:KBurkum@aeb.org>]

Sent: Wednesday, February 04, 2015 12:05 PM

To: Novak, Brittany L

Subject: RE: Just Mayo

Thanks Brittany. Will option 2 show us whether Just Mayo is gaining traction over time, and will it also include a 52 week cum?

Kevin Burkum | Senior Vice President of Marketing

American Egg Board

O 847.296.7043 | D 224.563.3702 | F 847.296.7007

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From: Novak, Brittany L [<mailto:Brittany.Novak@nielsen.com>]

Sent: Wednesday, February 04, 2015 10:43 AM

To: Kevin Burkum

Subject: RE: Just Mayo

Hi Kevin,

Please see the below pricing for the 'Just Mayo' ad-hoc report you have requested:

Option 1:

- Channel: Total US xAOC
 - Brand: Just Mayo
 - Periods: 1-52 week cume
 - Facts: 9 Measurements
- One Time Price: \$1,360**

Option 2:

- Channel: Total US xAOC
 - Brand: Just Mayo
 - Periods: 52 single week break outs
 - Facts: 9 Measurements
- One Time Price: \$1,768**

Please review and let me know if you have any questions or concerns.

Thanks,

Brittany Novak

Client Business Partners | Nielsen

P: 847-605-5682

F: 847-728-5584

www.nielsen.com



From: Kevin Burkum [<mailto:KBurkum@aeb.org>]

Sent: Wednesday, February 04, 2015 10:30 AM

To: Novak, Brittany L

Subject: RE: Just Mayo

Can we get prices for both 52 single weeks and cumed together for the below metrics?

- Dollar Volume
- Dollar Volume % Change vs. YAGO

Exhibit 61

Page 6 of 9

- Dollar Share
- Unit Volume
- Unit Volume % Change vs. YAGO
- Unit Share
- Average Retail Price
- Average Retail Price vs. YAGO
- % ACV (Max)

Kevin Burkum | *Senior Vice President of Marketing*

American Egg Board

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From: Novak, Brittany L [<mailto:Brittany.Novak@nielsen.com>]
Sent: Wednesday, February 04, 2015 9:58 AM
To: Kevin Burkum
Subject: RE: Just Mayo

Hi Kevin,

Are you looking for 52 single weeks or 1-52 week cumed together? Also, are you looking for the same measurements you receive on your on-going report deliveries?

The measurements you receive are:

- Dollar Volume
- Dollar Volume % Change vs. YAGO
- Dollar Share
- Unit Volume
- Unit Volume % Change vs. YAGO
- Unit Share
- Eq. Volume
- Eq. Volume % Change vs. YAGO
- Eq Share
- Average Price per Eq. Share
- Average Retail Price
- Average Retail Price vs. YAGO
- % ACV (Max)

Please let me know if you have any questions or concerns.

Thanks,

Brittany Novak

Client Business Partners | Nielsen

P: 847-605-5682

F: 847-728-5584

www.nielsen.com



From: Kevin Burkum [<mailto:KBurkum@aeb.org>]
Sent: Wednesday, February 04, 2015 9:38 AM
To: Novak, Brittany L
Subject: RE: Just Mayo

Yes. We'd be looking at AOC, 52 weeks ending the most recent time period you have data for.

Kevin Burkum | *Senior Vice President of Marketing*

American Egg Board

O 847.296.7043 | D 224.563.3702 | F 847.296.7007
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org



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From: Novak, Brittany L [<mailto:Brittany.Novak@nielsen.com>]
Sent: Tuesday, February 03, 2015 4:51 PM
To: Kevin Burkum
Subject: RE: Just Mayo

Are you looking for just an ad-hoc report? What specifications would you want to view the brand report (channels, facts, periods, etc.)?

Thanks,

Brittany Novak

Client Business Partners | Nielsen

P: 847-605-5682

F: 847-728-5584

www.nielsen.com



From: Kevin Burkum [<mailto:KBurkum@aeb.org>]
Sent: Tuesday, February 03, 2015 4:50 PM
To: Novak, Brittany L
Subject: RE: Just Mayo

We're trying to find out if it's sales are increasing, flat or declining over time?

Kevin Burkum | *Senior Vice President of Marketing*

American Egg Board

O 847.296.7043 | D 224.563.3702 | F 847.296.7007
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
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Exhibit 61

Page 8 of 9

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From: Novak, Brittany L [<mailto:Brittany.Novak@nielsen.com>]
Sent: Tuesday, February 03, 2015 4:49 PM
To: Kevin Burkum
Subject: RE: Just Mayo

Hi Kevin,

We do track sales on the brand 'Just Mayo'. What are you looking for in terms of the data information on 'Just Mayo'?

Thanks,
Brittany Novak

Client Business Partners | Nielsen

P: 847-605-5682

F: 847-728-5584

www.nielsen.com



From: Kevin Burkum [<mailto:KBurkum@aeb.org>]
Sent: Tuesday, February 03, 2015 4:24 PM
To: Novak, Brittany L
Subject: Just Mayo

Hi Brittany. Just checking in to see if Nielsen tracks sales for a product called Just Mayo?

Kevin Burkum | *Senior Vice President of Marketing*

American Egg Board

O 847.296.7043 | D 224.563.3702 | F 847.296.7007

PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068

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Order Confirmation and Agreement for One-Time Orders

Client Name:	American Egg Board	Service:	Strategic Planner - Item Rank Report
Address:	1460 Renaissance Drive Park Ridge, IL 60068	Est. Delivery Date:	5-7 business days after contract signed
Client Contact:	Kevin Burkum	Contact:	Brittany Novak
Phone:	847-296-7043	Location:	800 Schaumburg
E-Mail:	kburkum@aeb.org	Order Date:	February 4, 2015
Periods:	13-4 and 1-52 week cumes for week ending 01/17/15	Category:	'Just Mayo' Brand
Facts:	Dollar Volume, Dollar Volume % Change vs YAGO, Dollar Share, Unit Volume, Unit Volume % Change vs YAGO, Unit Share, Average Retail Price, Average Retail Price vs. YAGO and % ACV (Max)	Brand/UPC	All characteristics and UPCs
Markets:	Total U.S. xAOC	Outlets:	Total U.S. xAOC

TERMS AND CONDITIONS

In the event Client holds an Agreement with Nielsen, the Agreement shall supersede the Terms and Conditions listed in this Order Confirmation and Agreement.

Ownership, License. Nielsen owns its Services. Services are classified as (i) "Information" Services which are reports, aggregated data, and analyses; (ii) "Software" Services which are software, the media and the related manuals; and (iii) "Reference" Services which are disaggregated data, data dictionaries, reference tools, data methodologies, data characteristics/ attributes, flat files and the individual components of Information and Software Services. Client holds a limited, non-exclusive license for the term of the Service to use these internally. A client may disclose limited excerpts of Information to its parents and wholly-owned subsidiaries; advertising agencies; cooperating retailers; brokers; distributors; and wholesalers to the extent useful in marketing its products; and in trade and consumer advertising copy; annual reports; reports to the financial community (investment bankers, securities analysts, etc.); and releases to the media (newspapers, television, radio, Internet publishers) for the purpose of corporate image-building or product promotion. Client may disclose Information to consultants who sign Nielsen's Third Party Access Agreement. In all cases, disclosed Information must show Nielsen's copyright; be accurately labeled; and not be presented in a misleading manner. Notwithstanding anything to the contrary, Retailer-specific Information may only be disclosed to the named retailer and to Client's parents and wholly-owned subsidiaries.

References are provided for Client's internal use only. Client may not disclose or provide any Reference to any third-party, and may not make any use of a Reference in any way detrimental to or competitive with businesses, products or services of Nielsen.

Prohibition Against Non-Specified Use. Any use or disclosure other than as specified in this license is prohibited without Nielsen's prior written consent. No Information, References or Software may be disclosed to any non-cooperating retailer; or may be placed on any data retrieval system that may be accessed outside Client's immediate organization; or may be used in any legal proceeding, except in the case of a court order and then only after Client's having acted to preserve Nielsen's right to seek protection.

Indemnification. Because Nielsen Services are intended for internal use by Client, Client agrees to indemnify and hold harmless Nielsen, its officers and directors against all claims, damages, loss or expenses arising from Client's disclosure of Information; or from Client's use of Information, References, Software or Property other than in strict compliance with the terms and conditions of this Agreement.

Accuracy. Information consist primarily of estimates, representing Nielsen's opinion, based on projections using statistical procedures Nielsen deems appropriate. It is subject to inherent coverage, error rate and other statistical factors. Sources of information are not always under Nielsen's control.

Limitation of Liability. Nielsen will refund the cost of Service it fails to deliver and will use reasonable efforts to correct errors Client identifies in Information and Software. Nielsen will reimburse Client for its proven actual damages from uncorrectable erroneous Information or Software to an aggregate maximum not to exceed applicable charges paid by Client. Nielsen will not otherwise be liable, in contract, tort (including negligence) or otherwise, for any loss, expense or damage of any kind including, without limitation, direct, special, incidental or consequential damages, due to any failure to furnish any Nielsen Service, any errors in any Information or Software, or their use by Client or others. These are Client's exclusive remedies.

Payment. All invoices, including any applicable tax, are due and payable upon presentation. If not paid within 30 days, Nielsen may suspend Services. Interest accrues on invoices unpaid after thirty days at the lesser of 1.5% or the maximum allowed by law.

General Provisions. This Agreement and the parties' respective rights and duties shall be interpreted and governed in accordance with the internal laws of the State of Illinois, United States of America.

Purchase Orders. Additional terms and conditions contained in any purchase order provided by Client shall not be applicable to any deliverables under this Agreement.

Total Charge (excludes any applicable tax):	\$1,700	Charges are to be invoiced: <input checked="" type="checkbox"/> One-Time (default) <input type="checkbox"/> Quarterly In Advance (only available with quarterly deliveries) <input type="checkbox"/> Monthly (only available with monthly delivery)
AGREED TO ON BEHALF OF CLIENT	BY: <i>Joanne C. Uitz, President</i>	DATE: <i>2/4/15</i>

The Nielsen Company (US), LLC, 150 N. Martingale Road, Schaumburg, IL 60173-2076
V1

AMERICAN EGG BOARD

11632

VENDOR ID	NAME	PAYMENT NUMBER	CHECK DATE	11632		
10505	NIELSEN	0000000000009641	2/19/2015			
DOCUMENT NUMBER	DATE	AMOUNT	AMOUNT PAID	DISCOUNT	NET	
9104046624	2/11/2015	\$1,700.00	\$1,700.00	\$0.00	\$1,700.00	
			<i>[Signature]</i>			<i>[Signature]</i>
		\$1,700.00	\$1,700.00	\$0.00	\$1,700.00	

COMMENT

PRODUCT DLM235 USE WITH 91500 ENVELOPE

PRINTED IN U.S.A.

Exhibit 62

Page 3 of 4

The Nielsen Company (US), LLC
 Remit Payment To:
 PO Box 88956
 Chicago, IL 60695-8956
 USA

Invoice	9104046624
Date	02/11/2015
Due Date	03/13/2015
Account	10159607
Terms	Net 30 days

Bill To: Kevin Burkum AMERICAN EGG BOARD 1460 Renaissance Dr PARK RIDGE, IL 60068-1340 USA	Ship To: AMERICAN EGG BOARD 1460 Renaissance Dr PARK RIDGE, IL 60068-1340 USA
--	--

Period	Description	Taxable	Amount USD
Feb 15	Contract No.: 40403040 Misc product classes Syndicated Channel Data EDel-Market Data	No	1,700.00
		Total Charges USD	1,700.00
		Total Tax USD	0.00
		Total Amount Due USD	1,700.00

For ACH payments (CTX format preferred): Routing # (b) (4) Account # (b) (4)
 Questions about this document - Rajesh.Mohan.ap@nielsen.com, 1-866-563-2804 ext 27344
 Sales Team: Select # Growth

John - Just Mayo Report 2/18/15
 38,592.00
 INDUSTRY COMM.

(b) (6)

Exhibit 62
 Page 4 of 4

10505

Sotosky, Jeffrey - AMS

From: John Howeth <JHoweth@aeb.org>
Sent: Thursday, October 09, 2014 9:48 AM
To: Elisa Maloberti; Elisa Maloberti
Cc: John Howeth; John Howeth
Subject: Updated 2015 Budget Worksheet
Attachments: 2015 EPM Budget v2 101014.xls

I put some different items in certain lines, hopefully this will help you with billing.

John Howeth | *Senior Vice President, Foodservice & Egg Product Marketing*

American Egg Board

O 847.296.7043 | D 224.563.3705 | F 847.296.7007

PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068

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	2015 EPM Budget	2014 Budget	2015 Budget	Difference
38.533.30	Program Administration	\$316,200	\$303,900	\$12,300
38.570.40	Travel	\$15,000	\$18,000	-\$3,000
38.580.20	Trade Show/Advisory Council	\$67,000	\$90,000	-\$23,000
	Trade Shows (IFT, Protein, Weight Mgmt)	\$35,000	\$48,000	
	Food Technology Advisory Council Meeting	\$32,000	\$32,000	
	R&D Conference	\$10,000	\$10,000	
38.580.30	Media & Related Agency Costs	\$325,000	\$480,000	-\$155,000
	Print & Online Advertising Space	\$225,000	\$225,000	
	IBT Space		\$50,000	
	Agency Development	\$100,000	\$175,000	
	Surplus		\$30,000	
38.581.20	Egg Product Research	\$200,000	\$450,000	-\$250,000
	Smiley Volumetrics	\$20,000	\$50,000	
	Smiley A&U		\$13,000	
	Clear Seas A&U		\$25,000	
	Workshop Support & Research (Smiley)		\$40,000	
	New Product Research		\$277,000	
	Mintel		\$25,000	
	Covance Vitamin D		\$20,000	
38.581.80	Special Projects	\$247,000	\$70,000	\$177,000
	Beyond Eggs		\$70,000	
	Technical Assistance		\$150,000	
	Consultant		\$100,000	
	Formulation Development		\$50,000	
38.582.00	Industry Communications	\$104,000	\$167,500	-\$63,500
	Digital & Printed Newsletters	\$24,000	\$30,000	
	Digital & Printed Publicity/Website	\$45,000	\$50,000	
	Collateral Production	\$35,000	\$35,000	
	Website Upkeep and SEO		\$40,000	
	Buyers Guide		\$12,500	
38.582.05	Customer Education/Support	\$191,800	\$205,000	-\$13,200
	Workshops	\$15,000	\$70,000	
	Egg Products School	\$18,000		
	Chef Assistance - Other Workshops	\$13,800	\$20,000	
	EGGSolutions Program	\$35,000	\$15,000	
	QLC-EDM, Press Releases, White Papers, Webinar, Video	\$110,000	\$100,000	
38.730.10	Postage	\$13,000	\$9,100	\$3,900
38.830.10	Memberships	\$1,000	\$1,500	-\$500
	Budget	\$1,582,550	\$1,945,000	-\$362,450

Exhibit 63

Page 2 of 2

PAYMENTS TO EDELMAN FOR BEYOND EGGS EFFORT

INVOICE #	INVOICE DATE	TOTAL AMOUNT	BEYOND EGGS PORTION	COMMENT
1-99721	10/16/2013	\$31,837.17	\$2,628.00	Documented as Community Outreach
1-105367	12/1/2013	\$30,504.66	\$4,439.27	Documented as one bullet under Stakeholder Mapping
1-111255	2/24/2014	\$26,799.59	\$26,799.59	Documented as BEYOND EGGS Public Relations
100110045	3/1/2014	\$987.25	\$987.25	Documented as Monitoring and Reporting
100112413	3/1/2014	\$9,534.22	\$9,534.22	Documented as AEB BEYOND EGGS Execution (Exhibit 30)
	TOTAL AMOUNT	\$99,662.89	\$44,388.33	

Exhibit 64

Page 1 of 1

American Egg Board

2014 Budget

*Approved by the Board
July 11, 2013*



Exhibit 65

Page 1 of 40

AMERICAN EGG BOARD
2014 BUDGET

PREFACE

American Egg Board was created under Public Law 93-428, the Egg Research and Consumer Information Act, to enable egg producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promotion to improve, maintain, and develop markets for eggs, egg products, spent fowl, and products of spent fowl.

Section 8, Subsection (d) of that Public Law states: "Providing that the Egg Board shall, subject to the provisions of Subsection (g) of this Section, develop and submit to the Secretary for his approval budgets on a fiscal period basis of its anticipated expenses and disbursements in the administration of the order including probable costs of advertising, promotion, consumer education, research, and development projects."

This budget is prepared in accordance with Section 8 of Public Law 93-428, and sets forth AMERICAN EGG BOARD'S anticipated plans, expenses, and disbursements for 2013. Specific details or plans have been included where possible at this time and in accordance with Section 8, Subsection (c), AEB will submit finalized plans and budgets, such as media plans, specific research projects, specific cooperative funding projects, etc., throughout the year as they become known.

American Egg Board uses the accrual method of accounting; therefore the budget includes some non-cash expenditures, such as depreciation. AEB uses zero-balanced budgeting and any unspent line item funds in any fiscal year revert back collectively into the "general fund" for consideration in the following year's budget, unless a carryover to the following year is explicitly approved by the Board. AEB also uses cost-center budgeting in that all costs identified with a specific program area are included in that program's budget.

The attached budget was approved by the Board on July 11, 2013, with approval by respective committees prior to that date.

AMERICAN EGG BOARD
2014 BUDGET

American Egg Board and its Relationship
To the Egg Industry

American Egg Board, as it exists today, evolved because of the decline in the demand for eggs and the desire of egg producers to improve their position in the market. Changing life styles, including more working women, caused a severe decline in the habit of eating large breakfasts. Competition with food products such as the breakfast cereals worsened the economic difficulties of egg producers. Consumption of eggs also was harmed by unfavorable publicity about dietary cholesterol and salmonella in eggs. Through the years, AEB has favorably addressed these challenges/obstacles to the increased egg consumption. Per capita consumption of eggs declined from a peak of 409 per year in 1946 to a low of 233.9 per year in 1991, but has steadily increased over the past several years. In 2012, per capita consumption reached its highest in over five years at 249.7. We are encouraged that USDA is projecting another strong increase of 2 eggs per person in 2013. It is important to note that the average price of eggs at retail has gone up over the past three years, from \$1.62/dozen in 2010, to \$1.81 in 2012. These higher prices led to a nearly 15% increase in dollar sales of the egg category over the last three years. So, as an industry we've been able to maintain unit volume, while significantly growing overall category sales.

Eggs constitute one of the basic, natural foods in the diet, and are produced and marketed by many individual egg producers throughout the United States. Without an effective and coordinated method for assuring cooperative and collective action in providing for financing of research and promotion programs, individual egg producers were unable to carry out the research, consumer and producer information, and promotion necessary to maintain and improve markets for any or all of their products. Maintenance of markets and the development of new markets are essential to the egg industry if the consumers of eggs and egg products are to be assured of an adequate, steady supply of such products.

In October of 1974 Congress passed Public Law 93-428 to enable egg producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promotion to improve, maintain, and develop markets for eggs, egg products, spent fowl, and products of spent fowl.

The egg industry suffered economic losses in the 1980's which had a severe impact on AEB's budget, basically in the form of a high refund rate. Reallocation of resources was implemented in 1983, such as maximizing advertising and nearly total suspension of nutrition research and product development activities, elimination of export

development activities, and a reduction in the level of state support. These adjustments were continued through 1984. But starting in 1985, the emphasis was reversed, with more effort placed on Nutrition activities and Product Marketing. In 2009, research showed that a majority of consumers had developed negative attitudes towards egg farmers and their production practices, thus, effecting egg consumption. As a result, AEB established a separate Agriculture Education Committee that created the Good Egg Project, a farmers' image campaign, to educate consumers about how their eggs are produced and that egg farmers care about their hens and feeding the hungry. In 2012, the Agricultural Education program merged into the Industry Programs Committee. In 2012, the Advertising, Marketing Communications, and Retail/shopper marketing programs were combined to form the Consumer Marketing Department. In 1990, Advertising and Nutrition were the two largest budgets, and in 2014, Consumer Marketing and Nutrition will continue to be the largest budget categories.

In 1989, the assessment was made mandatory and the Board requested that USDA return the assessment to five cents per case. The additional collections were earmarked to reinstate a consumer advertising campaign.

In 1985 funds were allocated for an Egg Nutrition Center to help with the positive dissemination of information on diet, nutrition, and cholesterol. In 2008, management of the Egg Nutrition Center transferred from the United Egg Producers to AEB, and Egg Nutrition Center staff became employees of AEB. The Board continues to fund a positive nutrition information program conducted by a public relations agency. In September 2009, ENC's office moved from Washington D.C. to Park Ridge, Illinois (adjacent to AEB's office) for cost efficiencies and more comprehensive integration of AEB and ENC programs.

In 1991, the Board began funding major research projects to study the effects of egg consumption on blood cholesterol levels. As research began to show that dietary cholesterol is not a major factor in increasing blood cholesterol levels and consumer research showed that consumers were less concerned about cholesterol in their diets, in the early 2000's AEB began to focus more on the positive nutrient benefits of eggs in the diet. In 2010, the Egg Nutrition Center had its largest research budget ever in the amount of \$1 million to conduct necessary research in emerging nutrition areas related to eggs. The importance of nutrition research continues to be recognized and funding has increased to over \$1.5 million in 2014.

In 1985, the Board reinstated its Product and Market Development program to encourage the marketing of further processed and value added products through major food marketing companies. In 1997, those processed products activities were transferred to the Industry and Market Development Committee. In 2008, a newly formed Foodservice and Egg Product Marketing Committee was created to combine two areas that are a better fit to work together. Recognizing the importance of the Foodservice and Egg Product marketing, a new department was created in 2013 to

specifically address this area. In 2014, the Foodservice and Egg Product Marketing budgets were significantly increased.

In 1993, the law was amended to increase the exemption level to flocks of 75,000 or less hens. The revised law also increased the maximum assessment level from 10 cents to 20 cents per 30 dozen case of eggs. At its March 17, 1994 meeting, the Board unanimously voted to request that USDA begin the regulatory process to allow producers to vote on an increase of the assessment to 10 cents per case. The referendum conducted in the fall of 1994 was successful and AEB began collecting 10 cents per case in February of 1995. In March 2008, the Board unanimously voted to request USDA to begin the regulatory process to allow producers to vote on an increase in AEB's assessment from 10 cents to 15 cents per case. When AEB started the referendum process, a straw poll of producers showed that the referendum would have passed overwhelmingly. On December 14, 2010, USDA announced that the AEB referendum for an increase in assessment had failed. From the time the referendum process started 2-1/2 years ago, the egg industry dealt with several negative situations – depressed economic conditions, lawsuits, Prop 2, and a major egg recall just prior to the referendum vote. The referendum could not have been held at a worse time.

In 2007, AEB conducted its first Strategic Planning Meeting. As a result of the Strategic Planning Meetings, an annual plan with strategies and measurable objectives were determined for approval by the Board. A Strategic Planning Meeting was held in February 2011 to provide the direction for a three year 2012-2014 Strategic Plan, which addressed a reduced budget resulting from the failed referendum in 2010. However, as a result of funds that have accumulated over the past couple of years, AEB's 2014 budget will include \$3.5 million from reserves allowing for additional programs to be conducted in line with the Strategic Plan.

The following pages outline how AEB intends to work toward its long-term objective of increased consumer awareness and demand for eggs in 2014.

AMERICAN EGG BOARD
2014 BUDGET

INDEX

- I. Overall narrative summary of AEB goals and objectives, stating major emphasis on each program area and its relationship to the total program.
- II. The overall 2014 Budget with comparisons to 2013.
- III. Detailed Budget Narrative and Supporting Detail for each Budget Category.
 - A. CONSUMER MARKETING
 - 2014 Budget Line Item Narrative
 - B. FOODSERVICE PROMOTION
 - 2014 Budget Line Item Narrative
 - C. NUTRITION
 - 2014 Budget Line Item Narrative
 - D. SPECIAL PROJECTS
 - 2014 Budget Line Item Narrative
 - E. STATE SUPPORT & MATERIALS DISTRIBUTION
 - 2014 Budget Line Item Narrative
 - F. INDUSTRY PROGRAMS
 - 2014 Budget Line Item Narrative
 - G. EGG PRODUCT MARKETING
 - 2014 Budget Line Item Narrative
 - H. ADMINISTRATION AND COLLECTIONS
 - 2014 Budget Line Item Narrative

AMERICAN EGG BOARD

2014 BUDGET

AEB MAJOR PROGRAM AREAS AND GOALS AND OBJECTIVES

In 2014, American Egg Board will continue programs to encourage increased consumer demand for eggs and egg products. Several major project areas will be involved in the accomplishment of these objectives.

CONSUMER MARKETING 47.2%

In 2012, the ADVERTISING, MARKETING COMMUNICATIONS and RETAIL departments were combined to form the new Consumer Marketing Department. The combined 2014 Consumer Marketing budget is **\$11,800,000**. AEB will focus on its iconic incredible edible egg brand via a variety of media, including radio, print ads, digital online websites, public relations and social media, plus an additional emphasis on retail shopper marketing. We will continue offering recipes and helpful cooking tips.

FOODSERVICE 6.5%

The objective of the Foodservice program in the amount of **\$1,613,500** is to encourage greater usage of eggs in commercial foodservice operations and Quick Service Restaurants (QSR). Many programs will be undertaken to accomplish these objectives, including advertising in commercial and QSR-type foodservice publications. AEB's National Accounts program, targets QSR organizations to use more eggs. Foodservice egg safety and handling educational activities are also included in this area.

NUTRITION 16.0%

The primary objective of the Nutrition budget of **\$4,000,000** is to educate influential health professionals about the benefits of eggs in a healthful, balanced diet. The major element of the Nutrition budget is the funding of an Egg Nutrition Center, which is a resource for positive egg information. Funding for scientific nutrition research studies is a significant part of the Nutrition budget.

SPECIAL PROJECTS/CONTINGENCY FUND 3.0%

A Special Projects/Contingency Fund budget is established with the goal of having funds available to take advantage of special opportunities or needs that occur on short notice. In 2014, **\$750,000** dollars was budgeted to provide funds that might be needed to meet special needs.

STATE SUPPORT & MATERIALS DISTRIBUTION 5.1%

In 2014, the total State Support Budget is \$1,270,500. This amount is used to provide state organizations with special materials, seminars and other promotional support. Included in this amount is State Support funding of \$600,000. This money is earmarked as reimbursement to qualified state and regional organizations within the egg industry to strengthen and encourage egg promotion on a local level. Materials Distribution is also included as part of the State Support budget because AEB materials are used primarily by the State Egg Promotion organizations. The Materials Distribution section of the total State Support Budget is \$295,500, and it represents the subsidization of costs for the development, production, sale and distribution of AEB inventory items.

INDUSTRY PROGRAMS 10.0%

In 2014, the Agricultural Education Committee, which was responsible for the Good Egg Project (GEP), a farmers' image campaign, was dissolved. The Good Egg Project became the responsibility of the Industry Programs Department. Total budget for Industry Programs is \$2,502,500. The objective of the Industry Programs area is to communicate effectively with all egg producers, allied industry, and the agribusiness community, information about activities and accomplishments of the AEB program. In addition, a farmers' image campaign is implemented to educate consumers about egg farmers and modern egg production practices. This area also includes the responsibilities for export promotion through the USA Poultry & Egg Export Council and funding of a Producer Outreach Programs conducted by United Egg Producers.

EGG PRODUCT MARKETING 6.0%

The 2014 budget for the Egg Product Marketing program is \$1,490,000. The objective is to develop and maintain positive attitudes and an optimistic selling environment for egg products in food manufacturing. In addition to educational programs, a comprehensive print and online advertising program is conducted, and research is conducted when necessary.

ADMINISTRATION	\$893,300	3.6%
ASSESSMENT COMPLIANCE	\$103,200	0.4%
BOARD MEETING	\$252,000	1.0%
USDA ADMINISTRATION	\$335,000	<u>1.3%</u>
		6.3%

The objective of the administration and collections function is to provide efficient administration of AEB, swift enforcement of The Egg Research and Promotion Order, efficient collection of check-off assessments, and complete information processing and telecommunications services to all departments of AEB. Also included in this budget are the expenses of the Board meetings and USDA administration.

TOTAL AEB BUDGET 100.00%

AMERICAN EGG BOARD			
ANNUAL BUDGET			
2014			
	2012	2013	2014
	FINAL	revised 5/28/2013	APPROVED
	ACTUAL	BUDGET	BUDGET
REVENUE			
ASSESSMENTS	21,367,713	21,200,000	21,400,000
INTEREST INCOME	22,149	10,000	10,000
EGG FARMERS OF CANADA	100,000	100,000	100,000
RESERVES			
AUTOMATIC CARRYOVERS		1,904,312	
REQUESTED CARRYOVERS		367,000	
RESERVES			3,500,000
TOTAL REVENUE	\$21,489,862	\$23,581,312	\$25,010,000
EXPENDITURES			
PROGRAMS:			
CONSUMER MARKETING	9,686,067	10,744,300	11,800,000
FOODSERVICE	903,400	1,101,500	1,613,500
NUTRITION	3,299,917	5,254,612	4,000,000
SPECIAL PROJECTS		451,400	750,000
STATE SUPPORT & MATERIALS DISTRIBUTION	1,027,864	1,088,900	1,270,500
INDUSTRY PROGRAMS / AGRICULTURAL EDUCATION	1,874,300	2,465,100	2,502,500
EGG PRODUCT MARKETING	966,629	1,069,800	1,490,000
TOTAL PROGRAMS	\$ 17,758,177	\$ 22,175,612	\$ 23,426,500
ADMINISTRATION & COLLECTIONS:			
ADMINISTRATION	524,298	704,900	893,300
COLLECTIONS	121,816	124,800	103,200
BOARD MEETING	189,812	241,000	252,000
USDA ADMINISTRATION	316,832	335,000	335,000
TOTAL ADMIN & COLLECTIONS	\$ 1,152,758	\$ 1,405,700	\$ 1,583,500
TOTAL PROJECTED EXPENDITURES	\$ 18,910,935	\$ 23,581,312	\$ 25,010,000
REVENUES LESS EXPENDITURES	\$2,578,927		

AMERICAN EGG BOARD CONSUMER MARKETING BUDGET 2014				
A/C #	DESCRIPTION	2012 FINAL ACTUAL	2013 revised 5/28/2013 BUDGET	2014 APPROVED BUDGET
CONSUMER MARKETING				
	TOTAL PAYROLL / PERSONNEL COSTS	215,913	422,200	409,700
11.533.30	ADMINISTRATION ALLOCATION	134,400	134,400	140,000
	PERSONNEL COSTS + ADMINISTRATION	350,313	556,600	549,700
11.570.40	STAFF TRAVEL	27,958	30,000	30,000
11.610.00	MARKET RESEARCH	61,492	75,000	75,000
11.620.00	PRODUCTION	254,421	250,000	300,000
11.630.00	MEDIA (TV, RADIO, PRINT)	6,461,450	7,330,100	8,268,300
11.640.00	AGENCY FEES/TALENT/TRAFFIC/TRAVEL	596,200	575,000	625,000
11.650.10	SPOKESPERSON PROGRAM	91,868	100,000	100,000
11.650.20	PUBLIC RELATIONS	525,033	500,000	525,000
11.650.30	WEBSITE / ONLINE PROGRAMMING	216,419	200,000	300,000
11.662.00	OPPORTUNISTIC		25,000	25,000
11.662.05	TRF FROM OPPORTUNISTIC--JINGLE LAUNCH	251,947	265,000	
11.662.06	TRF FROM OPPORTUNISTIC--WHEER		28,600	
11.662.07	TRF FROM OPP-EGG PACKAGING TASK FORCE		55,000	
11.662.40	SHOPPER (retail) MARKETING	678,982	700,000	1,000,000
11.662.41	SHOPPER MARKETING TRF FROM IND PROG	150,000		
11.662.42	SHOPPER MARKETING c/o 2012		35,000	
11.730.10	POSTAGE	843	2,000	2,000
11.840.20	INTEGRATED MARKETING COM. MTG	-	2,000	
11.840.30	SPECIAL PROJECTS	19,141	15,000	
	TOTAL CONSUMER MARKETING	9,686,067	10,744,300	11,800,000

AMERICAN EGG BOARD				
FOODSERVICE				
BUDGET				
2014				
		2012	2013	2014
		FINAL	revised 5/28/2013	APPROVED
A/C #	DESCRIPTION	ACTUAL	BUDGET	BUDGET
<i>FOODSERVICE</i>				
	TOTAL PAYROLL / PERSONNEL COSTS	227,491	180,500	216,700
12.533.30	ADMINISTRATION ALLOCATION	38,400	38,400	40,000
	PERSONNEL COSTS + ADMINISTRATION	265,891	218,900	256,700
12.570.40	TRAVEL	5,698	18,000	18,000
12.680.30	BREAKFAST EXPERT COMMUNICATIONS	43,686	44,700	223,000
12.680.31	BREAKFAST EXPERT COMM. C-OVR 2012		23,000	
12.680.50	FS PROMO FULFILLMENT	1,159	2,000	3,000
12.681.30	NATIONAL ACCOUNTS	330,496	450,000	665,000
12.681.40	NATIONAL ACCOUNTS CARRYOVER 2012	75,000	119,000	
12.681.70	FOODSERVICE WEBSITE	2,895	10,000	30,000
12.681.71	FOODSERVICE WEBSITE C-OVR 2012		7,000	
12.684.80	RESEARCH / MEASUREMENT	102,360	100,000	150,000
12.684.90	CONSUMER COMMUNICATIONS / SUPPORT	73,816	80,000	264,500
12.684.91	OTHER COMMUNICATIONS PROG C/O 2012		26,000	
12.730.10	POSTAGE	1,393	1,500	2,000
12.830.10	MEMBERSHIPS & SUBSCRIPTIONS	1,006	1,400	1,300
	TOTAL FOODSERVICE PROMOTION	\$903,400	\$1,101,500	\$1,613,500

AMERICAN EGG BOARD				
NUTRITION				
ANNUAL BUDGET				
2014				
		2012	2013	2014
		FINAL	revised 5/28/2013	APPROVED
A/C #	DESCRIPTION	ACTUAL	BUDGET	BUDGET
EGG NUTRITION CENTER				
	TOTAL PAYROLL / PERSONNEL COSTS	602,499	645,000	694,600
15.533.30	ADMINISTRATION ALLOCATION	108,800	108,800	150,000
	PERSONNEL COSTS + ADMINISTRATION	711,299	753,800	844,600
15.810.20	EQUIPMENTAL & SUPPLIES	1,033	3,300	
15.832.30	OFFICE SUPPLIES /POSTAGE & SHIPPING	2,288	2,000	5,000
15.860.10	SCIENCE EDUCATION & MONITORING	11,556	40,000	
15.860.20	NEWSLETTERS & EDUCATIONAL MATERIAL	115,310	170,000	
15.860.25	ENC WEBSITE REDESIGN	72,178	60,000	
15.860.30	EXHIBITS & PROGRAMS	185,105	187,000	
15.860.32	EXHIBITS & PROGRAMS CARRYOVER FROM 2011	6,000		
15.861.10	SPONSORSHIPS / HONORARIA	68,150	80,000	
15.861.15	ROUNDTABLE / SYMPOSIA	425	80,000	
15.861.20	SAP / AMBASSADOARS	47,576	60,000	100,000
15.861.25	OBESITY PROGRAM	109,763	100,000	
15.870.40	STAFF TRAVEL - ENC	60,681	75,000	125,000
15.890.20	DUES & MEMBERSHIPS	1,332	2,200	2,200
15.887.10	HEALTH PROF EDUCATION PROGRAMS			517,825
15.779.10	NEWS BUREAU / ISSUES MANAGEMENT	88,252	62,325	80,000
15.787.10	HEALTH PROFESSIONAL OUTREACH	133,647	112,825	732,325
15.779.80	AGENCY ACCOUNT SUPPORT	114,404	108,050	58,050
15.780.45	SOCIAL MEDIA / WEBSITE	120,033	92,825	155,000
15.779.40	AUDIENCE SURVEYS	41,388	47,825	
15.779.50	ISSUES / CRISIS	9,968		
15.779.60	HAP / SAP	59,663	36,000	
15.779.70	NUTRITION PARTNERSHIPS	148,498	152,325	
15.780.50	BRIEFINGS / RELATIONSHIP BUILDING	56,045	47,825	
15.780.60	CHILD NUTRITION	19,569	22,000	
	TOTAL EGG NUTRITION CENTER	1,472,864	1,541,500	1,775,400
GRANTS & RESEARCH				
15.795.60	RESEARCH GRANTS		1,075,000	1,280,000
15.795.61	RESEARCH GRANTS--TRF FROM NEWSLETTERS & EXHIBITS			
15.908.10	EGG FARMERS OF CANADA BUDGET		100,000	100,000
15.795.90	AD HOC RESEARCH	-		
	TOTAL BUDGETED NEW RESEARCH GRANTS 2013/2014	-	1,175,000	1,380,000
	RESEARCH GRANTS CARRIED OVER TO 2011 & 2012 & 2013			
	AUTOMATIC CARRYOVERS		1,784,312	
	TRANSFER CARRYOVERS TO SPECIFIC BUDGET LINES		(1,784,312)	
15.796.20	UNIV OF MASS ROBERT NICOLosi			

AMERICAN EGG BOARD				
NUTRITION				
ANNUAL BUDGET				
2014				
		2012	2013	2014
		FINAL	revised 5/28/2013	APPROVED
A/C #	DESCRIPTION	ACTUAL	BUDGET	BUDGET
15.797.24	TUFTS UNIV- DR. McKAY C/O TO 2012	14,000		
15.797.61	EGG CHOLESTEROL STUDY 2010			
15.797.93	UNIV CONNECTICUT DR. FERNANDEZ C/O TO 2012		25,463	
15.797.95	TRUSETTS OF BOSTON UNIV--LYNN MOORE C/O TO 2012	30,020		
15.798.00	IOWA STATE DR. PERSIA EGG YOLD VITIMAN D C/O TO 2012		75,283	
15.798.42	UNIV OF ILLINOIS DR. GARLICK C/O TO 2012	25,654		
15.798.44	PENNINGTON BIO-MED DR. DHURANDHAR 2009 C/O TO 2012	42,000		
15.798.50	SDSU RESEARCH FOUNDATION DR. KERN 2010 C/O TO 2012	15,026		
15.798.53	GRIFFIN HOSPITAL 2010 C/O TO 2012	121,315		
15.798.88	PURDUE UNIV - DR. CAMPBELL 2010-2011 C/O TO 2012	65,942	32,971	
	NEW RESEARCH GRANTS ISSUED IN 2011 & C/OVR TO 2012			
15.796.21	U-MASS WILSON 2011 EXTENSION C/O TO 2012	20,000		
15.798.41	U OF ILLINOIS DR. DONALD LAYMAN EXTENSION 2011 C/O TO 2012	12,000		
15.798.48	U OF ILL DR. WILSON- PROTEIN, NEW 2011	15,896		
15.798.83	CORNELL - ALLISON WEST 2011- C/O TO 2012	20,000		
15.798.92	U OF GEROGIA, DR. EVANS E-PHIT STUDY 2011- C/O TO 2012	80,000	80,000	
15.798.94	UNIV OF MISSOURI-DR. KANALEY(T2 D) 2011- C/O TO 2012	51,535	25,767	
15.798.97	TUFTS UNIV. DR. JOHNSON 2011 C/O TO 2012	35,191	105,574	
15.799.00	UCONN DR. VOLEK 2011 C/O TO 2012	41,142	51,430	
15.799.03	UNIV OF AL. BIRMINGHAM DR GOWER 2011 C/O TO 2012	32,000	96,000	
15.799.06	UCONN DR. FERNANDEZ 2011 C/O TO 2012	39,377	19,688	
15.799.09	UNIV PENN DR. KRAL 2011 C/O TO 2012	60,000	60,000	
15.799.12	PENNINGTON BIO-MED DR. DHURANDHAR 2011 C/O TO 2012	34,000	17,000	
15.799.15	PENN STATE DR. LOHSE FELLOWSHIP 2011 C/O TO 2012	38,000	57,000	
15.799.18	BAYLOR UNIV DR. NICKLAS 2011 C/O TO 2012	50,000		
15.799.21	UNIV OF NC DR. ZEISEL 2011 C/O TO 2012	33,000	22,000	
	OLDER THAN 2012 Grant Carryovers	876,098	668,176	-
	NEW GRANTS AWARDED IN 2012 C/OVER			
15.799.25	VANDERBILT-EGG YOLK COM/SKELETAL 2012	14,000	21,000	
15.799.28	IOWA STATE UNIV. DR. WANG 2012	18,425	27,637	
15.799.31	IOWA STATE UNIV. DR. SCHALINSKE 2012	36,000	54,000	
15.799.34	TUFTS UNIVERSITY DR. McKAY 2012	19,955	59,863	
15.799.37	UNIV. OF ARKANSAS DR. BAUM 2012	16,047	64,187	
15.799.38	UNIV OF MISSOURI DR. LEIDY 2012	24,471	73,414	
15.799.39	UNIV OF MINNESOTA DR. SLAVIN 2012	19,000	57,000	
15.799.40	PURDUE UNIV. DR. McCRORY 2012	53,808	161,423	
15.799.41	BOSTON UNIV. DR. MOORE / MOTT 2012	19,000	95,000	
15.799.42	PURDUE UNIV. DR. CAMPBELL 2012		25,000	
15.799.44	UNIV OF ARKANSAS DR. FERRANDO 2012		157,213	
15.799.45	TUFTS UNIV. DR. JOHNSON 2012		27,349	
15.799.46	WASHINGTON UNIV.ST. LOUIS DR. KLEIN 2012		265,000	
	TOTAL NEW GRANTS AWARDED IN 2012	220,706	1,088,086	-

AMERICAN EGG BOARD				
NUTRITION				
ANNUAL BUDGET				
2014				
		2012	2013	2014
		FINAL	revised 5/28/2013	APPROVED
A/C #	DESCRIPTION	ACTUAL	BUDGET	BUDGET
	FOOD SAFETY RESEARCH			
15.803.16	U OF MINN-RISK ASSES. #4 2011 TRF. SPCL PROJ C/O TO 2012	18,950	28,050	
	TOTAL FOOD SAFETY RESEARCH	18,950	28,050	
	TOTAL EGG NUTRITION CENTER	3,299,917	5,254,612	4,000,000

1:03 PM				
	AMERICAN EGG BOARD			
	SPECIAL PROJECTS			
	BUDGET			
	2014			
		2012	2013	2014
		FINAL	revised 5/28/2013	APPROVED
A/C #	DESCRIPTION	ACTUAL	BUDGET	BUDGET
	SPECIAL PROJECTS			
20.868.10	CONTINGENCY		800,000	750,000
20.913.19	TRANSFER TO MULTI-UNIV ANIMAL WELFARE		(101,500)	
20.914.06	TFR TO AG ED SPEAKERS BUREAU			
20.915.14	TRF TO CONSUMER MARKETING JINGLE LAUNCH		(265,000)	
20.915.16	TRF TO EIC ECONOMIC ANALYSIS & NEWSLETTER SERV.		(75,200)	
20.915.18	TRF TO CONSUMER MARKET WHEER		(28,600)	
20.915.19	TRF TO CON MKT-EGG PACKAGING TASK FORCE		(55,000)	
	AVAILABLE		274,700	750,000
20.913.20	MULTI-UNIVERSITY ANIMAL WELFARE 2008 C/O		101,500	
20.915.17	EIC ECONOMIC ANANLSIS & NEWSLETTER SERVICE		75,200	
	TOTAL SPECIAL PROJECTS		\$ 451,400	\$ 750,000

1:03 PM				
	AMERICAN EGG BOARD			
	STATE PROMOTION			
	BUDGET			
	2014			
		2012	2013	2014
		FINAL	revised 5/28/2013	APPROVED
A/C #	DESCRIPTION	ACTUAL	BUDGET	BUDGET
	STATE PROMOTION			
	TOTAL PAYROLL / PERSONNEL COSTS	115,547	120,300	132,300
30.533.30	ADMINISTRATION ALLOCATION	38,400	38,400	45,000
	PERSONNEL COSTS + ADMINISTRATION	153,947	158,700	177,300
30.570.40	TRAVEL	13,613	13,000	13,500
30.695.10	STATE SUPPORT FUNDING	557,978	600,000	600,000
30.696.20	MATERIALS DISBURSEMENT	4,393	5,000	5,000
30.697.10	STATE REPRESENTATIVE TRAVEL	11,749	15,000	16,000
30.730.10	POSTAGE & SHIPPING	1,011	1,200	1,200
30.755.20	EGG COOKING DEMONSTRATIONS	9,025	12,000	12,000
30.765.20	'EGGSCHANGE' NEWSLETTER	1,564	2,000	2,000
30.765.30	PROMOTION MEETINGS	11,348	15,000	16,000
30.820.10	STATE MAT'LS DEVLPMNT/TRANSLATION	22,335	22,000	112,000
30.820.30	MERCHANDISING CAMPAIGNS	18,419	20,000	20,000
30.820.70	WHITE HOUSE DISPLAY			
	TOTAL STATE SUPPORT	805,382	863,900	975,000
	TOTAL MATERIALS DISTRIBUTION	222,482	225,000	295,500
	TOTAL STATE SUPPORT & MAT'L DIST'R	\$ 1,027,864	\$ 1,088,900	\$ 1,270,500

AMERICAN EGG BOARD				
INDUSTRY PROGRAMS / GOOD EGG PROJECT				
BUDGET				
2014				
		2012	2013	2014
		FINAL	revised 5/28/2013	APPROVED
A/C #	DESCRIPTION	ACTUAL	BUDGET	BUDGET
INDUSTRY PROGRAMS				
	TOTAL PAYROLL / PERSONNEL COSTS	205,363	298,200	290,000
	AG ED ADMIN & PERSONNEL COSTS	243,419		
35.533.30	ADMINISTRATION ALLOCATION	76,800	176,400	130,000
	PERSONNEL COSTS + ADMINISTRATION	525,582	474,600	420,000
35.570.40	STAFF TRAVEL	16,376	25,000	28,000
35.577.10	ANNUAL REPORT	9,000	8,000	8,000
35.577.30	NEWSLETTERS	36,323	40,000	40,000
35.578.50	AUDIO-VISUAL SUPPORT	400	1,000	1,000
35.579.90	SPECIAL PROJECTS	3,709	8,000	8,000
35.580.10	INDUSTRY EXHIBITS / MEETINGS	14,412	20,000	20,000
35.580.24	RETAIL DATA STATISTICS	24,100		
35.580.30	EXPORT PROMOTION	183,879	185,000	185,000
35.580.33	EXPORT PROMOTION-S. KOREA-TRF FROM ANIMAL WELFARE	10,000		
35.581.01	TRF FROM SPL PROJ-UC DAVIS CAHFS/FDA STUDY C/O-2012		75,000	
35.585.10	GENERAL PUBLICITY ACTIVITIES	36,401	36,000	75,000
35.730.10	POSTAGE & SHIPPING	6,322	7,500	7,500
	SUB-TOTAL	866,504	880,100	792,500
GOOD EGG PROJECT				
35.880.10	FARMERS SPEAKER BUREAU	89,037	75,000	75,000
35.880.40	EGG INDUSTRY IMAGE CAMPAIGN	748,118	1,280,000	1,450,000
35.880.55	COMPARATIVE ASSESSMENT C/O 2011	30,000	45,000	
35.885.10	US FARMERS & RANCHERS ALLIANCE		5,000	5,000
35.889.00	OPPORTUNISTIC	70,641	100,000	100,000
	TOTAL GOOD EGG PROJECT	937,796	1,505,000	1,630,000
UEP PROJECTS FUNDING				
35.850.10	ENVIRONMENTAL SUPPORT	70,000	80,000	80,000
	TOTAL UEP PROJECTS	70,000	80,000	80,000
	TOTAL IND PROG / GOOD EGG PROJ	\$1,874,300	\$2,465,100	\$2,502,500

Exhibit 65Page 17 of 40

AMERICAN EGG BOARD				
EGG PRODUCT MARKETING				
BUDGET				
2014				
A/C #	DESCRIPTION	2012 FINAL ACTUAL	2013 revised 5/28/2013 BUDGET	2014 APPROVED BUDGET
EGG PRODUCT MARKETING				
	TOTAL PAYROLL / PERSONNEL COSTS	116,723	157,800	256,200
38.533.30	ADMINISTRATION ALLOCATION	64,000	64,000	60,000
	PERSONNEL COSTS + ADMINISTRATION	180,723	221,800	316,200
38.570.40	STAFF TRAVEL	12,437	15,000	15,000
38.580.20	TRADE SHOW PARTICIPATION	11,026	33,500	67,000
38.580.30	MEDIA AND RELATED AGENCY COSTS	348,297	244,300	325,000
38.580.40	NEWSLETTERS / EGGsolutions and EGGsaminer	21,382		
38.580.50	DIGITAL & PRINTED PUBLICITY	20,153		
38.580.60	AD PRODUCTION	49,230		
38.580.70	COLLATERAL PRODUCTION / EDUCATION MATERIALS	8,050		
38.580.71	COLLATERAL PROD CARRYOVER 2012	24,334	39,000	
38.580.80	EGG SCIENCE & TECH ADVISORY COUNCIL	23,326		
38.581.00	EGG PRODUCT SCHOOL	11,017		
38.581.10	EGGSOLUTIONS PROGRAM (Dr. Froning + Hotline)	11,057		
38.581.20	EGG PRODUCT RESEARCH	70,568	100,000	200,000
38.581.21	EGG RESEARCH CARRYOVER 2012	36,482	29,000	
38.581.30	FOOD SCIENCE PHD GRANT PROGRAM	40,000		
38.581.31	FOOD SCIENCE PHD GRANT PROGRAM C/O 2012		15,000	
38.581.80	SPECIAL PROJECTS	62,645	70,200	247,000
38.581.84	SPECIAL PROJECTS C-OVR 2012		74,000	
38.581.83	SPEC PROJ - FE.ORG VIDEOS & WEBSITE	27,495		
38.582.00	INDUSTRY COMMUNICATIONS		102,000	104,000
38.582.05	CUSTOMER EDUCATION SUPPORT		112,000	201,800
38.730.10	POSTAGE & SHIPPING	7,802	13,000	13,000
38.830.10	MEMBERSHIPS & SUBSCRIPTIONS	605	1,000	1,000
	TOTAL EGG PRODUCT MARKETING	\$ 966,629	1,069,800	1,490,000

AMERICAN EGG BOARD				
ADMINISTRATION				
BUDGET				
2014				
		2012	2013	2014
		FINAL	revised 5/28/2013	APPROVED
A/C #	DESCRIPTION	ACTUAL	BUDGET	BUDGET
ADMINISTRATION				
	TOTAL PAYROLL / PERSONNEL COSTS	718,540	779,950	836,800
70.570.40	STAFF TRAVEL	55,314	64,000	69,000
70.610.10	EQUIPMENT RENTAL	154	2,100	2,100
70.630.10	EQUIPMENT REPAIRS & MAINTENANCE	7,564	9,500	9,500
70.650.10	OFFICE SUPPLIES & INCIDENTALS	13,684	30,000	30,000
70.670.10	INSURANCE & BONDS	19,260	21,000	23,000
70.672.10	INVESTMENT SERVICE CHARGES		550	
70.672.20	BANK SERVICE FEES-CUSTODY A/C	5,000	6,000	7,000
70.672.30	BANK SERVICE FEES-CHECKING	2,680	2,500	3,000
70.690.10	DEPRECIATION-EQUIP & COMPUTER	25,896	29,000	50,000
70.710.10	OFFICE RENT	187,861	210,000	190,000
70.730.10	POSTAGE & SHIPPING	4,109	7,400	7,400
70.750.10	TELEPHONE & FAX	34,693	31,000	32,000
70.752.00	MISCELLANEOUS	5,003	30,000	20,000
70.770.20	COMPUTER MAINTENANCE	4,267	6,000	7,000
70.770.30	COMPUTER TECHNICAL SUPPORT	5,783	8,000	9,000
70.770.40	COMPUTER PROGRAMMING	9,132	12,000	25,000
70.770.50	COMPUTER SUPPLIES	4,366	6,500	6,500
70.770.60	COMPUTER ENHANCEMENTS	20,558	25,000	25,000
70.770.70	COMPUTER ON-LINE SERVICES	434	2,500	2,500
70.786.10	PAYROLL SERVICE	1,267	3,000	3,300
70.810.10	PERSONNEL SEARCH	1,844	7,500	7,500
70.830.10	MEMBERSHIPS & SUBSCRIPTIONS	1,631	3,000	3,000
70.830.20	COMMODITY ROUNDTABLE	4,276	5,400	7,000
70.830.30	STRATEGIC PLANNING MEETING			35,000
70.830.40	ALL-STAFF WORKSHOP	8,589	10,000	10,500
70.870.10	LEGAL FEES	1,768	10,000	10,000
70.870.20	ANNUAL AUDIT	18,000	20,000	22,000
70.870.30	OTHER CONSULTANTS	12,625	13,000	15,000
70.901.20	ADMIN CHARGE-BACK TO DEPTS	-650,000	-650,000	-674,800
	PICK CONVERSION-COMPUTER PROGRAMMING			100,000
	TOTAL ADMINISTRATION	\$524,298	\$704,900	\$893,300

AMERICAN EGG BOARD COLLECTIONS BUDGET 2014				
		2012 FINAL ACTUAL	2013 revised 5/28/2013 BUDGET	2014 APPROVED BUDGET
A/C #	DESCRIPTION			
COLLECTIONS				
	TOTAL PAYROLL / PERSONNEL COSTS	75,743	66,000	44,400
75.533.30	ADMINISTRATION ALLOCATION	44,800	44,800	44,800
	PERSONNEL COSTS + ADMINISTRATION	120,543	110,800	89,200
75.570.40	STAFF TRAVEL	491	2,000	2,000
75.590.10	COLLECTIONS COMMUNICATIONS	782	2,000	2,000
75.590.30	COLLECTIONS AUDITS	-	10,000	10,000
	TOTAL COLLECTIONS	\$ 121,816	\$ 124,800	\$ 103,200

AMERICAN EGG BOARD				
BOARD MEETINGS & USDA				
BUDGET				
2014				
		2012	2013	2014
		FINAL	revised 5/28/2013	APPROVED
A/C #	DESCRIPTION	ACTUAL	BUDGET	BUDGET
BOARD MEETINGS				
80.570.10	TRAVEL - MEMBERS	44,372	57,000	60,000
80.570.20	TRAVEL - ALTERNATES	37,532	57,000	60,000
80.570.30	EXECUTIVE COMMITTEE	525	17,000	17,000
80.850.10	MEETINGS EXPENSE	107,383	110,000	115,000
	TOTAL BOARD MEETINGS	\$189,812	\$241,000	\$252,000
USDA ADMINISTRATION				
85.890.10	USDA - ADMINISTRATIVE EXPENSE	316,832	335,000	335,000
85.890.20	USDA - OGC EXPENSE			
85.890.30	USDA - COMPLIANCE AUDITS			
	TOTAL USDA ADMINISTRATION	\$316,832	\$335,000	\$335,000

American Egg Board
2014 Consumer Marketing Budget Narrative

Program Administration: \$549,700

Cost of AEB staff supervision, participation and allocation of overhead based on involvement in consumer marketing activities.

Staff Travel: 30,000

Cost of travel.

Market Research: 75,000

Cost to conduct consumer research.

Production: 300,000

Cost to produce new advertising creative, including print, online, and radio.

Media: 8,268,300

Cost of advertising media.

Agency Fees/Talent/Traffic/Travel: 625,000

Cost to implement ad creative efforts, prepare materials, distribute materials to media.

Spokesperson Program: 100,000

Fee, travel and out-of-pocket costs for national spokespersons.

Public Relations: 525,000

Costs for communications efforts (traditional and social media) surrounding core messaging, teaching egg cooking techniques.

Website/Online Programming: 300,000

Costs to maintain and update IncredibleEdibleEgg.org and aeb.org web sites, as well as develop and implement online programs and social media efforts (blogs, Facebook, Twitter, Pinterest, etc.).

Opportunistic: 25,000

Cost to take advantage of unforeseen opportunities.

Shopper Marketing: 1,000,000

Cost to conduct consumer marketing programs that encourage shoppers to purchase more eggs, including promotional partnerships, in-store media and coupons.

Postage: 2,000

TOTAL BUDGET \$11,800,000

American Egg Board
2014 Foodservice Budget Narrative

Program Administration: \$256,700

Includes salary, benefits, and staff training for the VP, Ingredient & Commercial Marketing, Marketing Manager and the Foodservice Administrative Assistant; allocated administrative costs.

Travel: 18,000

Costs incurred to attend foodservice industry events, national accounts or educational meetings, egg industry meetings, Board meetings or local travel incurred related to the operation of the department.

Breakfast Expert Communications: 223,000

Costs associated with media, distribution of the Breakfast Beat newsletter, the online program with QSR and other miscellaneous programs.

Fulfillment: 3,000

Cost of program materials sent to foodservice operators responding to ads or individual requests.

Foodservice National Accounts Program: 665,000

Promotional/communications program targeting major QSR and Mid-Scale restaurant companies to increase menuing and usage of eggs at breakfast; includes consultant fee, travel expenses, promotional funds, special research projects, meetings/special events, and miscellaneous costs.

Foodservice Website: 30,000

Costs associated with updates/additions to the foodservice portion of the aeb.org website.

Research/Measurement: 150,000

Costs associated with purchasing research data for the national account partnership program and other foodservice communications as well as for program evaluation measurement.

Other Communications Programs: 264,500

Costs associated with the school foodservice and distributor programs, publicity programs, photography, recipe development, special industry events, and other communications projects.

Postage: 2,000

Memberships/Subscriptions/Professional Meetings: 1,300

TOTAL BUDGET \$ 1,613,500

American Egg Board
2014 Nutrition Budget Narrative

Program Administration: \$844,600

Includes salaries and fringe benefits of ENC staff and allocated administration costs.

Health Professional Outreach 812,325

Expenses include costs associated with ENC exhibit booth and dissemination of collateral materials, conference sponsorships, honoraria, partnerships, and other education expenses designed to build relationships with health professional community. Budget also includes cost of News Bureau activities (\$80,000) associated with press release development and distribution, and crisis management activities.

Health Professional Education Programs 525,025

Costs associated with development of ENC newsletters and other educational materials, symposium development and sponsorship, HP survey and monitoring activities, and childhood obesity program. Budget includes costs of office supplies and postage (\$5000), as well as staff dues and organization membership fees (\$2200).

Nutrition Research 1,380,000

Cost to fund and administer nutrition research projects to determine the effects of eggs on heart disease risk, and the positive benefits of egg nutrition. A small amount of dollars may also be used for exploratory, "functional egg" research. Budget includes research funds provided by Egg Farmers of Canada (\$100,000).

Social Media/Website 155,000

Costs associated with contiguous improvement and maintenance of ENC website and blog. Also includes costs for guest bloggers, twitter parties, housing of ENC Teacher Exchange site, and other activities designed to enhance ENC's presence on social media outlets.

Scientific Advisory Panel; Health Professional Advisors 100,000

Expenses include travel costs and honoraria associated with participation in annual meeting, as well as other activities that advisors perform for us (speaking, writing, blogging, expert opinion, etc throughout the year.

Travel 125,000

ENC staff and agency/consultant expenses for travel to conferences, meetings, research site visits, etc.

Agency Account Support 58,050

Administrative costs associated with PR agency activities.

TOTAL BUDGET \$ 4,000,000

American Egg Board
2014 Special Projects Budget Narrative

Contingency Fund:

Funds to be available for projects as may be needed. \$ 750,000

TOTAL SPECIAL PROJECTS BUDGET \$ 750,000

American Egg Board
2014 State Support Program Budget Narrative

Program Administration: \$177,300

Includes the salary and fringe benefits for the State Promotion Coordinator and allocation of administrative costs.

Travel: 13,500

Travel to AEB Board meetings, State Promotional Seminar, and Industry meetings.

State Support Funding: 600,000

Funding to assist state organizations in conducting local promotions that complement the national program.

State Representative Travel: 16,000

Travel related expenses for four state representatives to attend AEB Board meetings.

Postage & Shipping: 1,200

Covers all postage for State Support which is not specifically listed in another line item category.

Egg Cooking Demonstrations: 12,000

Cost of equipment and materials and shipping used for omelet workshops and other cooking demonstrations.

"Eggschange" Newsletter: 2,000

Newsletter to state promotion reps and AEB Board members, mailed monthly with "News from AEB." Cost includes printing, postage, stationery, envelopes, and insertions.

Promotion Meeting: 16,000

Cost of holding one promotion/business seminar for state egg promotion personnel.

State Materials Development:	112,000
Development of new materials, such as booklets, leaflets, and posters, etc. Development of all educational materials for print and online.	
Merchandising Campaigns:	20,000
Creation and production of four publicity kits including seasonal recipes and releases.	
Materials Disbursement:	5,000
Covers requests for materials from miscellaneous organizations within states that do not have an active state group.	
Materials Distribution:	295,000
Reflects the gross margin from the difference of the sales price of the AEB promotional merchandise, leaflets, and educational materials and the overhead costs for operating this service and allocation of administrative costs.	
TOTAL BUDGET	<u><u>\$1,270,500</u></u>

American Egg Board
2014 Industry Programs Budget Narrative

Program Administration:

\$420,000

Includes the salary and fringe benefits for the Vice President, Director of Industry Communications, and Administrative Assistant, as well as allocated administrative overhead, such as rent, telephone, etc.

Staff Travel:

28,000

Includes travel for Vice President and other staff to attend industry meetings, visits with producers, promotional meetings, and other travel required to carry out Industry Program activities.

Annual Report:

8,000

Creative development, composition, printing/production of formal publication summarizing AEB activities and financial data.

Newsletters:

40,000

Covers cost for "News from AEB" sent to producers, allied industry, and other industry personnel. Includes printing, mailing service, postage, stationery, and envelopes. A monthly information card is also produced and sent to each handler along with their monthly assessment report.

Audio-Visual Support:

1,000

Cost of producing, copying, and distributing DVDs, which emphasize AEB promotional and educational activities and programs.

Special Projects:

8,000

Covers expenses for unforeseen, important industry events and promotions that arise during the year.

Industry Exhibits / Meetings:

20,000

Costs for informational materials and associated expenses involved in presenting AEB programs at industry trade shows.

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Export Promotion:

185,000

Funds for projects to promote the sale of U.S. shell eggs and egg products in export markets through the USA Poultry and Egg Export Council (USAPEEC).

General Publicity Activities:

75,000

Covers participation and coordination of Annual White House Easter Egg Roll to generate favorable publicity or additional media exposure.

Postage & Shipping:

7,500

Covers all postage for the department, which is not specifically listed in another line item category.

Good Egg Project (Agricultural Education)

Speaker's Bureau:

75,000

Covers the CFI cost of scheduling speaking engagements for egg farmers trained in the speakers' workshops.

Egg Industry Image Campaign:

1,450,000

Funds the Good Egg Project campaign, including, egg donations, publicity, educational videos, social media and partnerships.

U.S. Farmer's and Rancher's Alliance:

5,000

Cost of affiliate membership to join U.S. Farmers and Ranchers Alliance, designed to enhance consumer trust in the US food production system, and maintain and enhance the freedom of US farmers and ranchers to operate in a responsible manner.

Opportunistic:

100,000

Costs to take advantage of unforeseen opportunities.

American Egg Board
2014 Egg Products Marketing Budget Narrative

Program Administration:	\$316,200
Includes salary, benefits and staff training for the Director of Egg Products Marketing, Marketing Manager Foodservice & Ingredients, and the Egg Product Marketing Administrative Assistant; and allocated department expenses.	
Travel:	15,000
Costs incurred to attend food manufacturing trade shows and/or educational meetings, the AEB state promotion seminar, egg industry meetings, Board meetings or local travel incurred related to the operation of the department.	
Trade Show Participation / Advisory Council:	67,000
Booth space, trade show materials, furniture rental, shipping charges for booth and trade show materials; costs associated with annual meeting of Food Tech Advisory Council.	
Media and Related Agency Costs:	325,000
Trade publications new advertising development costs, advertising insertion costs; insertion materials expenses; agency service fee to maintain presence and ensure effective communication of Egg Products program.	
Trade Communications:	104,000
Costs associated with production and mailing of printed twice-yearly newsletter <i>EGGSAMINER</i> that covers a variety of trends and current interest topics; digital & printed publicity efforts for editorial content; web updates; development of print & online advertising; new and reprinted/revised collateral materials for trade shows and direct mail.	
Customer Education / Support:	201,800
Chef assistance to solve food manufacturing challenges; support EGGSolutions hotline program and activities performed by egg products technical advisor; AEB-sponsored food manufacturer workshops; attendance at R&D conferences; support of National Egg Products School;	

webinar production; development of technical papers and video education.

Egg Product Research: 200,000

Costs for research to provide solutions for issues related to egg products and new product development and reformulation. Research could address functional, nutrition or attitudes/usage of egg products.

Special Projects: 247,000

Opportunity Analysis for Egg Protein in the Global Protein Market project; implementation of programs and development of collateral materials as result of protein opportunity analysis; initiatives to position eggs as a desirable ingredient vs egg replacer ingredients; additional funding for technical workshops; research chef technical assistance; and other opportunistic projects as they arise.

Postage: 13,000

Memberships/Subscriptions/Professional Meetings: 1,000

TOTAL \$1,490,000

American Egg Board
2014 Administration and Collections Budget Narrative

The Administration and Collections budget covers the cost of administrative personnel and expenses, consultants, collection and compliance activities, Board members' and alternates' meeting expenses, and USDA administrative expenses.

ADMINISTRATION

Program Administration: \$836,800

Includes the salary, fringe benefits, and staff training for the President, Vice-President, Director of IT, Administrative Assistant and Receptionist.

Staff Travel: 69,000

Staff travel is for President and other administrative personnel, as required.

Equipment Rental: 2,100

Renting postage equipment.

Equipment Repair and Maintenance: 9,500

Estimated amount to keep office equipment and telephone system in good repair. Includes cost of service contracts.

Office Supplies and Incidentals: 30,000

Estimated amount required to obtain office supplies and generally used office materials, including all letterhead stationery.

Insurance and Bonds: 23,000

Travel and accident insurance, fidelity bond on staff and Board officers, multi-peril insurance and workmen's compensation.

Bank Service Fees-Custodial A/C 7,000

Oversight and Record Keeping of Investments.

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Bank Service Fees-Checking: 3,000

Monthly service for Deposits, Disbursements and Wire Transfers.

Depreciation-Equipment and Computer: 50,000

Depreciation of furniture, fixtures, and computer equipment.

Office Rent: 190,000

Rental and other charges for office space and storage.

Postage and Shipping: 7,400

Estimated amount required for general office use, including Board mailings. Does not include amounts charged to specific programs.

Telephone & Fax: 32,000

Cost of incoming lines, amortization and repair of PBX switch, long distance calls, and other telephone expenses.

Miscellaneous:

Unanticipated administrative expenses 20,000

M.I.S (Management Information Systems):

Computer Maintenance 7,000

Computer Technical Support 9,000

Computer Programming 25,000

Computer Supplies 6,500

Computer Enhancements 25,000

Computer On-Line Services 2,500

Operation and maintenance of the in-house computer systems.

Payroll Service: 3,300

Cost of payroll done by outside service bureau.

Personnel Search:	7,500
Want ads and executive search & relocation for hiring new and replacement staff.	
Memberships and Subscriptions:	3,000
Staff memberships in trade associations plus subscriptions to trade publications and periodicals.	
Commodity Roundtable:	7,000
Participation in coordinated communication program with other Research and Promotion Orders.	
Strategic Planning Meeting	
Facilitating and travel costs for the implementation and publication of AEB's Strategic Plan.	35,000
All-Staff Workshop	10,500
An annual event to promote team building amongst the staff.	
Professional Fees:	
Legal	10,000
Audit – Annual Certified Audit	22,000
Other Consultants	15,000
Outside legal assistance on matters not requiring use of USDA legal staff. Annual certified GAGAS audit of AEB. Use of outside consultants.	
Pick Conversion – Computer programming	
Design and installation of new Assessment Collections software	100,000
Chargeback to Program:	-674,800
Estimated administrative salaries, rent and MIS costs charged back to program departments based on use.	
Total Administration	\$893,300

COLLECTIONS

Program Administration:	\$89,200
Includes the salary, fringe benefits and staff training for Compliance Manager, as well as allocated administrative overhead.	
Staff Travel:	2,000
Travel expense for compliance staff for purposes other than collections investigations.	
Collections Communications:	2,000
Forms and postage for mailing monthly collecting handler reports, refunds, exemption certificates, collection letters, and notices to handlers and producers.	
Collections Audit:	10,000
To cover costs of conducting 3-5 producer assessment audits.	
Total Collections	\$103,200

BOARD MEETINGS

Travel – Members	60,000
Travel – Alternates	60,000
Travel – Executive Committee	17,000
Meeting Expense	115,000
Total Board Meetings	\$252,000

USDA ADMINISTRATIVE EXPENSE

AMS	335,000
OGC	---
Compliance Audits	---
Total USDA Administrative Expense	\$335,000

TOTAL ADMINISTRATION and COLLECTIONS **\$1,583,500**



Office of the
Deputy Administrator
Livestock, Poultry and
Seed Program

1400 Independence Avenue, SW.
Room 2092-S, STOP 0249
Washington, DC 20250-0249

SEP 16 2013

Ms. Joanne C. Ivy
President & Chief Executive Officer
American Egg Board
1460 Renaissance Drive
Park Ridge, Illinois 60068

Dear Ms. Ivy:

This is in response to your September 10, 2013, email requesting approval of the American Egg Board's (Board) fiscal year (FY) 2014 operating budget totaling \$25,010,000.

We have reviewed and approve the FY 2014 operating budget as submitted. Additionally, we have reviewed and approve the Board's administration budget in the amount of \$893,300.

As you know, funds generated under the Egg Research and Promotion Order (Order) are to be used for programs authorized under the Order.

If you have any questions, please contact Emily DeBord at (202) 690-2611.

Sincerely,

Craig A. Morris
Deputy Administrator
Livestock, Poultry and Seed Program

Exhibit 65

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American Egg Board

2015 Budget

***Approved by the Board
July 10, 2014***



AMERICAN EGG BOARD
2015 BUDGET

PREFACE

American Egg Board was created under Public Law 93-428, the Egg Research and Consumer Information Act, to enable egg producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promotion to improve, maintain, and develop markets for eggs, egg products, spent fowl, and products of spent fowl.

Section 8, Subsection (d) of that Public Law states: "Providing that the Egg Board shall, subject to the provisions of Subsection (g) of this Section, develop and submit to the Secretary for his approval budgets on a fiscal period basis of its anticipated expenses and disbursements in the administration of the order including probable costs of advertising, promotion, consumer education, research, and development projects."

This budget is prepared in accordance with Section 8 of Public Law 93-428, and sets forth AMERICAN EGG BOARD'S anticipated plans, expenses, and disbursements for 2015. Specific details or plans have been included where possible at this time and in accordance with Section 8, Subsection (c), AEB will submit finalized plans and budgets, such as media plans, specific research projects, specific cooperative funding projects, etc., throughout the year as they become known.

American Egg Board uses the accrual method of accounting; therefore the budget includes some non-cash expenditures, such as depreciation. AEB uses zero-balanced budgeting and any unspent line item funds in any fiscal year revert back collectively into the "general fund" for consideration in the following year's budget, unless a carryover to the following year is explicitly approved by the Board. AEB also uses cost-center budgeting in that all costs identified with a specific program area are included in that program's budget.

The attached budget was approved by the Board on July 10, 2014, with approval by respective committees prior to that date.

AMERICAN EGG BOARD
2015 BUDGET

American Egg Board and its Relationship
To the Egg Industry

American Egg Board, as it exists today, evolved because of the decline in the demand for eggs and the desire of egg producers to improve their position in the market. Changing life styles, including more working women, caused a severe decline in the habit of eating large breakfasts. Competition with food products such as the breakfast cereals worsened the economic difficulties of egg producers. Consumption of eggs also was harmed by unfavorable publicity about dietary cholesterol and salmonella in eggs. Through the years, AEB has favorably addressed these challenges/obstacles to the increased egg consumption. Per capita consumption of eggs declined from a peak of 409 per year in 1946 to a low of 233.9 per year in 1991, but has steadily increased over the past several years. In 2013, per capita consumption reached its highest in over five years at 251.5. We are encouraged that USDA is projecting another strong increase of nearly 4 eggs per person in 2014. It is important to note that the average price of eggs at retail has gone up over the past three years, from \$1.62/dozen in 2010, to \$1.81 in 2012 and \$1.94 in 2013. These higher prices led to an over 15% increase in dollar sales of the egg category over the last three years. So, as an industry we've been able to maintain unit volume, while significantly growing overall category sales.

Eggs constitute one of the basic, natural foods in the diet, and are produced and marketed by many individual egg producers throughout the United States. Without an effective and coordinated method for assuring cooperative and collective action in providing for financing of research and promotion programs, individual egg producers were unable to carry out the research, consumer and producer information, and promotion necessary to maintain and improve markets for any or all of their products. Maintenance of markets and the development of new markets are essential to the egg industry if the consumers of eggs and egg products are to be assured of an adequate, steady supply of such products.

In October of 1974 Congress passed Public Law 93-428 to enable egg producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promotion to improve, maintain, and develop markets for eggs, egg products, spent fowl, and products of spent fowl.

The egg industry suffered economic losses in the 1980's which had a severe impact on AEB's budget, basically in the form of a high refund rate. Reallocation of resources was implemented in 1983, such as maximizing advertising and nearly total suspension of nutrition research and product development activities, elimination of export

development activities, and a reduction in the level of state support. These adjustments were continued through 1984. But starting in 1985, the emphasis was reversed, with more effort placed on Nutrition activities and Product Marketing. In 2009, research showed that a majority of consumers had developed negative attitudes towards egg farmers and their production practices, thus, effecting egg consumption. As a result, AEB established a separate Agriculture Education Committee that created the Good Egg Project, a farmers' image campaign, to educate consumers about how their eggs are produced and that egg farmers care about their hens and feeding the hungry. In 2012, the Agricultural Education program merged into the Industry Programs Committee. In 2012, the Advertising, Marketing Communications, and Retail/shopper marketing programs were combined to form the Consumer Marketing Department. In 1990, Advertising and Nutrition were the two largest budgets, and in 2015, Consumer Marketing and Nutrition will continue to be the largest budget categories.

In 1989, the assessment was made mandatory and the Board requested that USDA return the assessment to five cents per case. The additional collections were earmarked to reinstate a consumer advertising campaign.

In 1985 funds were allocated for an Egg Nutrition Center to help with the positive dissemination of information on diet, nutrition, and cholesterol. In 2008, management of the Egg Nutrition Center transferred from the United Egg Producers to AEB, and Egg Nutrition Center staff became employees of AEB. The Board continues to fund a positive nutrition information program conducted by a public relations agency. In September 2009, ENC's office moved from Washington D.C. to Park Ridge, Illinois (adjacent to AEB's office) for cost efficiencies and more comprehensive integration of AEB and ENC programs.

In 1991, the Board began funding major research projects to study the effects of egg consumption on blood cholesterol levels. As research began to show that dietary cholesterol is not a major factor in increasing blood cholesterol levels and consumer research showed that consumers were less concerned about cholesterol in their diets, in the early 2000's AEB began to focus more on the positive nutrient benefits of eggs in the diet. In 2010, the Egg Nutrition Center had its largest research budget ever in the amount of \$1 million to conduct necessary research in emerging nutrition areas related to eggs. The importance of nutrition research continues to be recognized and funding has increased to over \$1.8 million in 2015.

In 1985, the Board reinstated its Product and Market Development program to encourage the marketing of further processed and value added products through major food marketing companies. In 1997, those processed products activities were transferred to the Industry and Market Development Committee. In 2008, a newly formed Foodservice and Egg Product Marketing Committee was created to combine two areas that are a better fit to work together. Recognizing the importance of the Foodservice and Egg Product marketing, a new department was created in 2013 to

specifically address this area. Starting in 2014 and continuing in 2015, the Foodservice and Egg Product Marketing budgets were significantly increased.

In 1993, the law was amended to increase the exemption level to flocks of 75,000 or less hens. The revised law also increased the maximum assessment level from 10 cents to 20 cents per 30 dozen case of eggs. At its March 17, 1994 meeting, the Board unanimously voted to request that USDA begin the regulatory process to allow producers to vote on an increase of the assessment to 10 cents per case. The referendum conducted in the fall of 1994 was successful and AEB began collecting 10 cents per case in February of 1995. In March 2008, the Board unanimously voted to request USDA to begin the regulatory process to allow producers to vote on an increase in AEB's assessment from 10 cents to 15 cents per case. When AEB started the referendum process, a straw poll of producers showed that the referendum would have passed overwhelmingly. On December 14, 2010, USDA announced that the AEB referendum for an increase in assessment had failed. From the time the referendum process started 2-1/2 years ago, the egg industry dealt with several negative situations – depressed economic conditions, lawsuits, Prop 2, and a major egg recall just prior to the referendum vote. The referendum could not have been held at a worse time.

In 2007, AEB conducted its first Strategic Planning Meeting. As a result of the Strategic Planning Meetings, an annual plan with strategies and measurable objectives were determined for approval by the Board. A Strategic Planning Meeting was held in February 2011 to provide the direction for a three year 2012-2014 Strategic Plan, which addressed a reduced budget resulting from the failed referendum in 2010. However, as a result of funds that have accumulated over the past couple of years, AEB's 2015 budget will include \$3.0 million from reserves allowing for additional programs to be conducted in line with the Strategic Plan. AEB held a Strategic Planning Meeting in February 2014 for the development of the 2015-2017 Strategic Plan.

The following pages outline how AEB intends to work toward its long-term objective of increased consumer awareness and demand for eggs in 2015.

AMERICAN EGG BOARD
2015 BUDGET

INDEX

- I. Overall narrative summary of AEB goals and objectives, stating major emphasis on each program area and its relationship to the total program.
- II. The overall 2015 Budget with comparisons to 2014.
- III. Detailed Budget Narrative and Supporting Detail for each Budget Category.
 - A. CONSUMER MARKETING
 - 2015 Budget Line Item Narrative
 - B. FOODSERVICE PROMOTION
 - 2015 Budget Line Item Narrative
 - C. NUTRITION
 - 2015 Budget Line Item Narrative
 - D. SPECIAL PROJECTS
 - 2015 Budget Line Item Narrative
 - E. STATE SUPPORT & MATERIALS DISTRIBUTION
 - 2015 Budget Line Item Narrative
 - F. INDUSTRY PROGRAMS
 - 2015 Budget Line Item Narrative
 - G. EGG PRODUCT MARKETING
 - 2015 Budget Line Item Narrative
 - H. ADMINISTRATION AND COLLECTIONS
 - 2015 Budget Line Item Narrative

AMERICAN EGG BOARD
2015 BUDGET
AEB MAJOR PROGRAM AREAS AND GOALS AND OBJECTIVES

In 2015, American Egg Board will continue programs to encourage increased consumer demand for eggs and egg products. Several major project areas will be involved in the accomplishment of these objectives.

CONSUMER MARKETING 45.3%

In 2012, the ADVERTISING, MARKETING COMMUNICATIONS and RETAIL departments were combined to form the new Consumer Marketing Department. The combined 2015 Consumer Marketing budget is **\$11,600,000**. AEB will focus on its iconic incredible edible egg brand via a variety of media, including radio, print ads, digital online websites, public relations and social media, plus an additional emphasis on retail shopper marketing. We will continue offering recipes and helpful cooking tips.

FOODSERVICE 8.0%

The objective of the Foodservice program in the amount of **\$2,055,000** is to encourage greater usage of eggs in commercial foodservice operations and Quick Service Restaurants (QSR). Many programs will be undertaken to accomplish these objectives, including advertising in commercial and QSR-type foodservice publications. AEB's National Accounts program, targets QSR organizations to use more eggs. Foodservice egg safety and handling educational activities are also included in this area.

NUTRITION 15.6%

The primary objective of the Nutrition budget of **\$4,000,000** is to educate influential health professionals about the benefits of eggs in a healthful, balanced diet. The major element of the Nutrition budget is the funding of an Egg Nutrition Center, which is a resource for positive egg information. Funding for scientific nutrition research studies is a significant part of the Nutrition budget.

SPECIAL PROJECTS/CONTINGENCY FUND 3.1%

A Special Projects/Contingency Fund budget is established with the goal of having funds available to take advantage of special opportunities or needs that occur on short notice. In 2015, **\$800,000** dollars was budgeted to provide funds that might be needed to meet special needs.

STATE SUPPORT & MATERIALS DISTRIBUTION 4.6%

In 2015, the total State Support Budget is \$1,175,700. This amount is used to provide state organizations with special materials, seminars and other promotional support. Included in this amount is State Support funding of \$600,000. This money is earmarked as reimbursement to qualified state and regional organizations within the egg industry to strengthen and encourage egg promotion on a local level. Materials Distribution is also included as part of the State Support budget because AEB materials are used primarily by the State Egg Promotion organizations. The Materials Distribution section of the total State Support Budget is \$297,800, and it represents the subsidization of costs for the development, production, sale and distribution of AEB inventory items.

INDUSTRY PROGRAMS 10.2%

In 2012, the Agricultural Education Committee, which was responsible for the Good Egg Project (GEP), a farmers' image campaign, was dissolved. The Good Egg Project became the responsibility of the Industry Programs Department. Total budget for Industry Programs is \$2,602,300. The objective of the Industry Programs area is to communicate effectively with all egg producers, allied industry, and the agribusiness community, information about activities and accomplishments of the AEB program. In addition, a farmers' image campaign is implemented to educate consumers about egg farmers and modern egg production practices. This area also includes the responsibilities for export promotion through the USA Poultry & Egg Export Council and funding of a Producer Outreach Programs conducted by United Egg Producers.

EGG PRODUCT MARKETING 7.6%

The 2015 budget for the Egg Product Marketing program is \$1,945,000. The objective is to develop and maintain positive attitudes and an optimistic selling environment for egg products in food manufacturing. In addition to educational programs, a comprehensive print and online advertising program is conducted, and research is conducted when necessary.

ADMINISTRATION	\$817,400	3.2%
ASSESSMENT COMPLIANCE	\$117,600	0.4%
BOARD MEETING	\$257,000	1.0%
USDA ADMINISTRATION	\$250,000	<u>1.0%</u>
		5.6%

The objective of the administration and collections function is to provide efficient administration of AEB, swift enforcement of The Egg Research and Promotion Order, efficient collection of check-off assessments, and complete information processing and telecommunications services to all departments of AEB. Also included in this budget are the expenses of the Board meetings and USDA administration.

TOTAL AEB BUDGET 100.00%

AMERICAN EGG BOARD ANNUAL BUDGET 2015			
	2013	2014	2015
	ACTUAL	REVISED@ 7/2014 BUDGET	APPROVED BUDGET @ 7/10/2014
REVENUE			
ASSESSMENTS	22,962,144	21,400,000	22,500,000
INTEREST INCOME	34,391	10,000	20,000
EGG FARMERS OF CANADA	94,958	100,000	100,000
RESERVES			
AUTOMATIC CARRYOVERS		1,704,973	
REQUESTED CARRYOVERS		353,854	
RESERVES		3,500,000	3,000,000
TOTAL REVENUE	\$23,091,493	\$27,068,827	\$25,620,000
EXPENDITURES			
PROGRAMS:			
CONSUMER MARKETING	10,716,345	12,115,000	11,600,000
FOODSERVICE	932,314	1,763,500	2,055,000
NUTRITION	3,367,121	5,704,973	4,000,000
SPECIAL PROJECTS	197,349	546,304	800,000
STATE SUPPORT & MATERIALS DISTRIBUTION	1,047,348	1,270,500	1,175,700
INDUSTRY PROGRAMS	2,207,487	2,502,500	2,602,300
EGG PRODUCT MARKETING	958,264	1,582,550	1,945,000
TOTAL PROGRAMS	\$ 19,426,228	\$ 25,485,327	\$ 24,178,000
ADMINISTRATION & COLLECTIONS:			
ADMINISTRATION	548,937	893,300	817,400
COLLECTIONS	109,781	103,200	117,600
BOARD MEETING	197,383	252,000	257,000
USDA ADMINISTRATION	126,881	335,000	250,000
TOTAL ADMIN & COLLECTIONS	\$ 982,982	\$ 1,583,500	\$ 1,442,000
TOTAL PROJECTED EXPENDITURES	\$ 20,409,210	\$ 27,068,827	\$ 25,620,000
REVENUES LESS EXPENDITURES	\$2,682,283		

AMERICAN EGG BOARD CONSUMER MARKETING BUDGET 2015				
		2013	2014	2015
		ACTUAL	REVISED@ 7/2014 BUDGET	APPROVED BUDGET @ 7/10/2014
A/C #	DESCRIPTION			
CONSUMER MARKETING				
TOTAL PAYROLL / PERSONNEL COSTS		418,739	409,700	521,600
11.533.30	ADMINISTRATION ALLOCATION	134,400	140,000	140,000
PERSONNEL COSTS + ADMINISTRATION		553,139	549,700	661,600
11.570.40	STAFF TRAVEL	28,749	30,000	32,000
11.610.00	MARKET RESEARCH	62,385	75,000	75,000
11.620.00	PRODUCTION	249,340	300,000	300,000
11.630.00	MEDIA (TV, RADIO, PRINT)	7,391,612	8,268,300	8,200,000
11.640.00	AGENCY FEES/TALENT/TRAFFIC/TRAVEL	613,420	625,000	625,000
11.650.10	SPOKESPERSON PROGRAM	95,643	100,000	80,400
11.650.20	PUBLIC RELATIONS	487,403	525,000	500,000
11.650.30	WEBSITE / ONLINE PROGRAMMING	159,462	300,000	100,000
11.650.31	WEBSITE / ONLINE PROGRAMMING C/OVR 2013		25,000	
11.662.00	OPPORTUNISTIC	25,000	25,000	25,000
11.662.05	TRF FROM OPPORTUNISTIC--JINGLE LAUNCH	270,506		
11.662.06	TRF FROM OPPORTUNISTIC--WHEER	29,032		
11.662.07	TRF FROM OPP-EGG PACKAGING TASK FORCE	75,110		
11.662.40	SHOPPER (retail) MARKETING	645,564	1,000,000	1,000,000
11.662.41	SHOPPER (retail) MARKETING C/OVR 2013		40,000	
11.662.42	SHOPPER MARKETING c/o 2012	35,000		
11.662.43	EASTER TV INTEGRATION-TRF FROM SPL PROJ		250,000	
11.730.10	POSTAGE	204	2,000	1,000
11.840.20	INTEGRATED MARKETING COM. MTG	1,553		
11.840.30	SPECIAL PROJECTS	13,333		
TOTAL CONSUMER MARKETING		10,716,345	12,115,000	11,600,000

AMERICAN EGG BOARD				
FOODSERVICE				
BUDGET				
2015				
		2013	2014	2015
			REVISED@ 7/2014	APPROVED
A/C #	DESCRIPTION	ACTUAL	BUDGET	BUDGET
				@ 7/10/2014
FOODSERVICE				
	TOTAL PAYROLL / PERSONNEL COSTS	177,283	216,700	201,200
12.533.30	ADMINISTRATION ALLOCATION	38,400	40,000	40,000
	PERSONNEL COSTS + ADMINISTRATION	215,683	256,700	241,200
12.570.40	TRAVEL	18,035	18,000	28,000
12.680.30	BREAKFAST EXPERT COMMUNICATIONS	43,631	223,000	300,000
12.680.31	BREAKFAST EXPERT COMM. C-OVR 2012	10,570		
12.680.50	FS PROMO FULFILLMENT	1,510	3,000	4,000
12.681.30	NATIONAL ACCOUNTS	291,555	665,000	800,000
12.681.40	NATIONAL ACCOUNTS CARRYOVER 2012 2013	107,000	150,000	
12.681.70	FOODSERVICE WEBSITE	10,570	30,000	40,000
12.681.71	FOODSERVICE WEBSITE C-OVR 2012	8,000		
12.684.80	RESEARCH / MEASUREMENT	101,507	150,000	225,000
12.684.90	CONSUMER COMMUNICATIONS / SUPPORT	86,506	264,500	412,300
12.684.91	OTHER COMMUNICATIONS PROG C/O 2012	35,123		
12.730.10	POSTAGE	2,711	2,000	3,000
12.830.10	MEMBERSHIPS & SUBSCRIPTIONS	883	1,300	1,500
	TOTAL FOODSERVICE PROMOTION	\$832,314	\$1,763,500	\$2,055,000

AMERICAN EGG BOARD				
NUTRITION				
ANNUAL BUDGET				
2015				
		2013	2014	2015
			REVISED@ 7/2014	APPROVED
A/C #	DESCRIPTION	ACTUAL	BUDGET	BUDGET
				@ 7/10/2014
EGG NUTRITION CENTER				
	TOTAL PAYROLL / PERSONNEL COSTS	600,144	694,600	621,900
15 533.30	ADMINISTRATION ALLOCATION	108,800	150,000	150,000
	PERSONNEL COSTS + ADMINISTRATION	708,944	844,600	771,900
15.779.40	AUDIENCE SURVEYS	47,536		
15.779.60	HAP / SAP	37,375		
15.779.70	NUTRITION PARTNERSHIPS	152,485		
15.780.50	BRIEFINGS / RELATIONSHIP BUILDING	47,632		
15.780.60	CHILD NUTRITION	21,483		
15.810.20	EQUIPMENTAL & SUPPLIES	1,434		
15.832.30	OFFICE SUPPLIES /POSTAGE & SHIPPING	1,601	5,000	2500
15.860.10	SCIENCE EDUCATION & MONITORING	36,912		
15.860.20	NEWSLETTERS & EDUCATIONAL MATERIAL	147,518		
15.860.25	ENC WEBSITE REDESIGN	11,826		
15.860.30	EXHIBITS & PROGRAMS	193,694		
15.861.10	SPONSORSHIPS / HONORARIA	79,085		
15.861.15	ROUNDTABLE / SYMPOSIA	38,776		
15.861.25	OBESITY PROGRAM	102,226		
15.870.40	STAFF TRAVEL - ENC	53,283	75,000	75000
15.880.10	AGENCY ACCOUNT SUPPORT	99,018	108,000	65000
15.880.20	HEALTH PROFESSIONAL OUTREACH	107,399	732,325	550240
15.880.30	SOCIAL MEDIA / WEBSITE	92,148	155,000	150000
15.880.40	NEWS BUREAU / ISSUES MANAGEMENT	73,031	80,000	65000
15.880.50	HEALTH PROF EDUCATION PROGRAMS		517,875	425000
15.880.51	TRF HP EDUCATION PROGRAMS TO RESEARCH		225,000	
15.880.60	SAP / AMBASSADOARS	56,062	100,000	80000
15.890.20	DUES & MEMBERSHIPS	1,350	2,200	2000
	TOTAL EGG NUTRITION CENTER	1,401,874	1,550,400	1,414,740
GRANTS & RESEARCH				
15.795.60	RESEARCH GRANTS		1,280,000	1713600
15.795.63	TRF HP EDUCATION PROGRAMS TO RESEARCH		225,000	
15.908.10	EGG FARMERS OF CANADA BUDGET		100,000	100000
	TOTAL BUDGETED NEW RESEARCH GRANTS 2013/2014		1,605,000	1813360
RESEARCH GRANTS CARRIED OVER TO 2011 & 2012 & 2013 & 2014				
AUTOMATIC CARRYOVERS				
TRANSFER CARRYOVERS TO SPECIFIC BUDGET LINES				
15.797.93	UNIV CONNECTICUT DR. FERNANDEZ C/O TO 2012	25,463		
15.798.00	IOWA STATE DR. PERSIA EGG YOLD VITIMAN D C/O TO 2012	75,179		
15.798.88	PURDUE UNIV DR. CAMPBELL 2010-2011 C/O TO 2012	32,971		

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AMERICAN EGG BOARD				
NUTRITION				
ANNUAL BUDGET				
2015				
		2013	2014	2015
			REVISED@ 7/2014	APPROVED
A/C #	DESCRIPTION	ACTUAL	BUDGET	@ 7/10/2014
NEW RESEARCH GRANTS ISSUED IN 2011 & C/OVR TO 2012				
15.798.92	U OF GEROGIA, DR. EVANS E-PHIT STUDY 2011- C/O TO 2012	40,000	30,000	
15.798.94	UNIV OF MISSOURI-DR. KANALEY(T2 D) 2011- C/O TO 2012	25,768		
15.798.97	TUFTS UNIV. DR. JOHNSON 2011 C/O TO 2012	70,382	35,192	
15.799.00	UCONN DR. VOLEK 2011 C/O TO 2012	27,430	24,000	
15.799.03	UNIV OF AL. BIRMINGHAM DR GOWER 2011 C/O TO 2012	64,000	32,000	
15.799.06	UCONN DR. FERNANDEZ 2011 C/O TO 2012	-	19,658	
15.799.09	UNIV PENN DR. KRAL 2011 C/O TO 2012	30,000	30,000	
15.799.12	PENNINGTON BIO-MED DR. DHURANDHAR 2011 C/O TO 2012	17,000		
15.799.15	PENN STATE DR. LOHSE FELLOWSHIP 2011 C/O TO 2012	38,000	19,000	
15.799.21	UNIV OF NC DR. ZEISEL 2011 C/O TO 2012	22,000		
NEW GRANTS AWARDED IN 2012 C/OVER				
15.799.25	VANDERBILT-EGG YOLK COM/SKELETAL 2012	21,000		
15.799.28	IOWA STATE UNIV. DR. WANG 2012	16,425	9,212	
15.799.31	IOWA STATE UNIV. DR. SCHALINSKE 2012	36,000	18,000	
15.799.34	TUFTS UNIVERSITY DR. MCKAY 2012	39,000	19,954	
15.799.37	UNIV. OF ARKANSAS DR. BAUM 2012	32,094	32,093	
15.799.38	UNIV OF MISSOURI DR. LEIDY 2012	48,943	24,471	
15.799.39	UNIV OF MINNESOTA DR. SLAVIN 2012	38,000	19,000	
15.799.40	PURDUE UNIV. DR. McCRORY 2012	107,616	53,808	
15.799.41	BOSTON UNIV. DR. MOORE / MOTT 2012	19,000	16,000	
15.799.42	PURDUE UNIV. DR. CAMPBELL 2012		25,000	
15.799.44	UNIV OF ARKANSAS DR. FERRANDO 2012	57,455	14,000	
15.799.45	TUFTS UNIV. DR. JOHNSON 2012		20,000	
15.799.46	WASHINGTON UNIV. ST. LOUIS DR. KLEIN 2012	120,000	20,000	
OLDER THAN 2013 Grant Carryovers		980,622	775,538	
NEW GRANTS AWARDED IN 2013 C/OVER				
15.799.47	WASH. UNIV. ST. LOUIS DR. KLEIN (EXERCISE) 2013		35,000	
15.799.49	NUTRITION IMPACT LLC 2013	15,000	15,000	
15.799.50	PURDUE UNIV. DR. CAMPBELL 2013	36,000	144,000	
15.799.51	GRIFFIN HOSPITAL DR. KATZ 2013	37,000	148,000	
15.799.52	OKLAHOMA ST. UNIV. DR. LIN 2013	44,800	67,200	
15.799.53	CORNELL DR. CAUDILL # 70713 2013	15,136	75,654	
15.799.54	CORNELL DR. CAUDILL # 72118 2013	17,210	59,854	
15.799.55	CORNELL DR. CAUDILL # 70373 2013	14,636	58,543	
15.799.56	PURDUE DR. CAMPBELL # 13119381 2013	19,000	72,000	
15.799.57	OHIO ST UNIV DR. ZIOUZENKOVA 2013	25,000	32,000	
15.799.58	UNIV CALIF DR. DOUTELLE 2013	36,000	144,000	
TOTAL NEW GRANTS AWARDED IN 2013		256,785	920,281	
FOOD SAFETY RESEARCH				

AMERICAN EGG BOARD NUTRITION ANNUAL BUDGET 2015				
		2013	2014	2015
			REVISED@ 7/2014	APPROVED BUDGET
A/C #	DESCRIPTION	ACTUAL	BUDGET	@ 7/10/2014
15.803.16	U OF MINN-RISK ASSES. #4 2011 TRF. SPCL PROJ C/O TO 2012	18,896	9,154	
	TOTAL FOOD SAFETY RESEARCH	18,896	9,154	
	TOTAL EGG NUTRITION CENTER	3,367,121	5,704,973	4,000,000

2:03 PM	AMERICAN EGG BOARD			
	SPECIAL PROJECTS			
	BUDGET			
	2015			
		2013	2014	2015
			REVISED@ 7/2014	APPROVED
A/C #	DESCRIPTION	ACTUAL	BUDGET	BUDGET
				@ 7/10/2014
	SPECIAL PROJECTS			
20.868.10	CONTINGENCY		750,000	800,000
20.915.16	TRF TO EIC ECONOMIC ANALYSIS & NEWSLETTER SERV.		(78,000)	(78,000)
20-918-03	TRF TO CON MKT-EASTER TV INTEGRATION		(250,000)	
	AVAILABLE		422,000	722,000
20.913.20	MLTI-UNIVERSITY ANIMAL WELFARE 2008 C/O	101,500		
20.915.17	EIC ECONOMIC ANANLSIS & NEWSLETTER SERVICE	75,200	78,000	78,000
20.915.21	MILK-PEP RESPONSE	7,553		
20.915.23	BEYOND EGGS PR CAMPAIGN C/OVR 2013	13,096	46,304	
	TOTAL SPECIAL PROJECTS	\$ 197,349	\$ 546,304	\$ 800,000

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2:03 PM	AMERICAN EGG BOARD			
	STATE PROMOTION			
	BUDGET			
	2015			
		2013	2014	2015
			REVISED@ 7/2014	APPROVED
A/C #	DESCRIPTION	ACTUAL	BUDGET	BUDGET
				@ 7/10/2014
	STATE PROMOTION			
	TOTAL PAYROLL / PERSONNEL COSTS	118,637	132,300	139,400
30.533.30	ADMINISTRATION ALLOCATION	38,400	45,000	45,000
	PERSONNEL COSTS + ADMINISTRATION	157,037	177,300	184,400
30.570.40	TRAVEL	11,998	13,500	13,500
30.695.10	STATE SUPPORT FUNDING	573,943	600,000	600,000
30.696.20	MATERIALS DISBURSEMENT	4,900	5,000	5,000
30.697.10	STATE REPRESENTATIVE TRAVEL	13,998	16,000	16,000
30.730.10	POSTAGE & SHIPPING	894	1,200	1,000
30.755.20	EGG COOKING DEMONSTRATIONS	(182)	12,000	
30.765.20	EGGSCHANGE' NEWSLETTER	1,370	2,000	2,000
30.765.30	PROMOTION MEETINGS	10,643	16,000	16,000
30.820.10	STATE MAT'LS DEVELOPMENT	16,138	112,000	20,000
30.820.30	MERCHANDISING CAMPAIGNS	21,541	20,000	20,000
30.820.70	WHITE HOUSE DISPLAY			
	TOTAL STATE SUPPORT	812,280	975,000	877,900
	TOTAL MATERIALS DISTRIBUTION	235,068	295,500	297,800
	TOTAL STATE SUPPORT & MAT'L DIST'R	\$ 1,047,348	\$ 1,270,500	\$ 1,175,700

AMERICAN EGG BOARD MATERIALS DISTRIBUTION BUDGET 2015				
		2013	2014	2015
			REVISED@ 7/2014	APPROVED
A/C #	DESCRIPTION	ACTUAL	BUDGET	BUDGET @ 7/10/2014
MATERIALS DISTRIBUTION				
PERSONNEL COSTS				
33.510.10	SALARIES	162,075	160,600	168,200
33.530.10	FICA	12,017	12,000	12,600
33.530.20	GROUP INSURANCE	25,161	26,300	28,700
33.530.40	PENSION	22,480	22,800	20,000
33.530.50	STAFF MTG & TRAINING	963	900	1,000
33.530.60	EMPLOYEE EDUCATION		2,500	2,500
TOTAL PAYROLL / PERSONNEL COSTS		222,696	225,100	233,000
33.533.30	ADMINISTRATION ALLOCATION	44,800	65,000	65,000
PERSONNEL COSTS + ADMINISTRATION		267,496	290,100	298,000
MATERIALS DISTRIBUTION				
PROGRAM ADMINISTRATION		267,496	290,100	298,000
33.570.40	TRAVEL	3,036	3,000	3,000
DETAIL	PRODUCT SALES GROSS PROFIT	-40,902	-20,000	-20,000
33.689.00	PRICE VARIATION ALL GROUPS	3		
33.690.30	BAD DEPT WRITE OFFS	43		
33.690.50	SAMPLES	657	500	900
33.705.10	SHRINKAGE	2,435	4,000	4,000
33.705.20	RESERVE FOR OBSOLETE INVENTORY	0	10,000	5,000
33.765.10	PRINTING & SHIPPING SUPPLIES	2,913	3,000	3,000
33.770.10	GENERAL SHIPPING	15,356	23,000	20,000
33.770.40	BILLED FREIGHT	-15,030	-17,000	-17,000
33.770.50	BILLED HANDLING CHARGES	-939	-1,100	-1,100
WEB-SITE TRANSACTION EXPENSES				2,000
TOTAL MATERIALS DISTRIBUTION		\$ 235,068	\$ 295,500	\$ 297,800

AMERICAN EGG BOARD				
INDUSTRY PROGRAMS				
BUDGET				
2015				
		2013	2014	
			REVISED@ 7/2014	
A/C #	DESCRIPTION	ACTUAL	BUDGET	
			2015	
			APPROVED	
			BUDGET	
			@ 7/10/2014	
INDUSTRY PROGRAMS				
	TOTAL PAYROLL / PERSONNEL COSTS	292,128	290,000	299,000
35.533.30	ADMINISTRATION ALLOCATION	176,400	130,000	130,000
	PERSONNEL COSTS + ADMINISTRATION	468,528	420,000	429,000
35.570.40	STAFF TRAVEL	25,073	28,000	28,000
35.577.10	ANNUAL REPORT	3,413	8,000	8,000
35.577.30	NEWSLETTERS	23,706	40,000	40,000
35.578.50	AUDIO-VISUAL SUPPORT	19	1,000	-
35.579.90	SPECIAL PROJECTS	8,686	8,000	8,000
35.580.10	INDUSTRY EXHIBITS / MEETINGS	17,308	20,000	20,000
35.580.30	EXPORT PROMOTION	182,414	185,000	185,000
35.581.01	TRF FROM SPL PROJ-UC DAVIS CAHFS/FDA STUDY C/O-2012	18,750		
35.585.10	GENERAL PUBLICITY ACTIVITIES	30,400	75,000	5,000
35.730.10	POSTAGE & SHIPPING	7,908	7,500	5,000
	SUB-TOTAL	786,205	792,500	728,000
GOOD EGG PROJECT				
35.880.10	FARMERS SPEAKER BUREAU	76,400	75,000	30,000
	EDUCATION			200,000
35.880.40	EGG INDUSTRY IMAGE CAMPAIGN	1,127,436	1,450,000	1,372,300
35.880.55	COMPARATIVE ASSESSMENT C/O 2011	40,000		
35.885.10	US FARMERS & RANCHERS ALLIANCE	5,000	5,000	
	WHITE HOUSE EASTER EGG ROLL			90,000
35.889.00	OPPORTUNISTIC	94,020	100,000	102,000
	TOTAL GOOD EGG PROJECT	1,347,856	1,630,000	1,794,300
UEP PROJECTS FUNDING				
35.850.10	ENVIRONMENTAL SUPPORT	73,426	80,000	80,000
	TOTAL UEP PROJECTS	73,426	80,000	80,000
	TOTAL INDUSTRY PROGRAMS	\$2,207,487	\$2,502,500	\$2,602,300

AMERICAN EGG BOARD				
ADMINISTRATION				
BUDGET				
2015				
		2013	2014	2015
A/C #	DESCRIPTION	ACTUAL	REVISED@ 7/2014	APPROVED
			BUDGET	BUDGET
				@ 7/10/2014
ADMINISTRATION				
PERSONNEL COSTS				
70.510.10	SALARIES	575,784	609,900	644,400
70.530.10	FICA	35,037	37,700	37,800
70.530.20	GROUP INSURANCE	37,199	48,700	63,000
70.530.40	PENSION	78,085	87,700	73,200
70.530.50	STAFF MTG & TRAINING	1,402	1,500	1,600
70.530.60	EMPLOYEE EDUCATION	349	2,400	2,400
70.531.XX	MEDICAL / DENTAL REIMBURSEMENT	36,451	48,900	50,000
TEMPORARY LABOR				
TOTAL PAYROLL / PERSONNEL COSTS		784,307	836,800	872,400
70.570.40	STAFF TRAVEL	58,170	69,000	69,000
70.610.10	EQUIPMENT RENTAL	308	2,100	2,100
70.630.10	EQUIPMENT REPAIRS & MAINTENANCE	5,480	9,500	9,500
70.650.10	OFFICE SUPPLIES & INCIDENTALS	17,305	30,000	25,000
70.670.10	INSURANCE & BONDS	22,687	23,000	23,000
70.672.10	INVESTMENT SERVICE CHARGES			
70.672.20	BANK SERVICE FEES-CUSTODY A/C	8,077	7,000	7,000
70.672.30	BANK SERVICE FEES-CHECKING		3,000	3,000
70.690.10	DEPRECIATION--EQUIP & COMPUTER	23,817	50,000	40,000
70.710.10	OFFICE RENT	184,334	190,000	190,000
70.730.10	POSTAGE & SHIPPING	4,881	7,400	7,400
70.750.10	TELEPHONE & FAX	33,572	32,000	32,000
70.752.00	MISCELLANEOUS	4,180	20,000	18,000
70.770.20	COMPUTER MAINTENANCE	3,370	7,000	7,000
70.770.30	COMPUTER TECHNICAL SUPPORT	8,277	9,000	9,000
70.770.40	COMPUTER PROGRAMMING	10,099	25,000	25,000
70.770.50	COMPUTER SUPPLIES	3,830	6,500	6,500
70.770.60	COMPUTER ENHANCEMENTS	13,532	25,000	25,000
70.770.70	COMPUTER ON-LINE SERVICES	1,530	2,500	2,500
70.786.10	PAYROLL SERVICE	1,126	3,300	3,300
70.810.10	PERSONNEL SEARCH	2,828	7,500	7,500
70.830.10	MEMBERSHIPS & SUBSCRIPTIONS	2,367	3,000	3,000
70.830.20	COMMODITY ROUNDTABLE	4,293	7,000	7,000
70.830.30	STRATEGIC PLANNING MEETING		35,000	
70.830.40	ALL-STAFF WORKSHOP		10,500	10,000
70.870.10	LEGAL FEES		10,000	50,000
70.870.20	ANNUAL AUDIT	19,000	22,000	23,000
70.870.30	OTHER CONSULTANTS	1,567	15,000	15,000
70.901.20	ADMIN CHARGE-BACK TO DEPTS	-650,000	-674,800	(674,800)
70.770.65	PICK CONVERSION-COMPUTER PROGRAMMING		100,000	
TOTAL ADMINISTRATION		\$548,937	\$893,300	817,400

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AMERICAN EGG BOARD COLLECTIONS BUDGET 2015				
		2013	2014 REVISED@ 7/2014	2015 APPROVED BUDGET @ 7/10/2014
A/C #	DESCRIPTION	ACTUAL	BUDGET	
	COLLECTIONS			
	TOTAL PAYROLL / PERSONNEL COSTS	62,987	44,400	48,800
75.533.30	ADMINISTRATION ALLOCATION	44,800	44,800	44,800
	PERSONNEL COSTS + ADMINISTRATION	107,787	89,200	93,600
75.570.40	STAFF TRAVEL	-	2,000	2,000
75.590.10	COLLECTIONS COMMUNICATIONS	1,994	2,000	2,000
75.590.30	COLLECTIONS AUDITS	-	10,000	20,000
	TOTAL COLLECTIONS	\$ 109,781	\$ 103,200	\$ 117,600

AMERICAN EGG BOARD				
BOARD MEETINGS & USDA				
BUDGET				
2015				
		2013	2014	2015
			REVISED@ 7/2014	APPROVED
A/C #	DESCRIPTION	ACTUAL	BUDGET	BUDGET
				@ 7/10/2014
BOARD MEETINGS				
80.570.10	TRAVEL - MEMBERS	41,942	60,000	60,000
80.570.20	TRAVEL - ALTERNATES	48,192	60,000	60,000
80.570.30	EXECUTIVE COMMITTEE	1,710	17,000	17,000
80.850.10	MEETINGS EXPENSE	105,539	115,000	120,000
	TOTAL BOARD MEETINGS	\$197,383	\$252,000	\$257,000
USDA ADMINISTRATION				
85.890.10	USDA - ADMINISTRATIVE EXPENSE	126,881	335,000	250,000
85.890.20	USDA - OGC EXPENSE			
85.890.30	USDA - COMPLIANCE AUDITS			
	TOTAL USDA ADMINISTRATION	\$126,881	\$335,000	\$250,000

American Egg Board
2015 Consumer Marketing Budget Narrative

Program Administration:	\$661,600
Cost of AEB staff supervision, participation and allocation of overhead based on involvement in consumer marketing activities.	
Staff Travel:	32,000
Cost of travel.	
Market Research:	75,000
Cost to conduct consumer research.	
Production:	300,000
Cost to produce new advertising creative, including print, online, and radio.	
Media:	8,200,000
Cost of advertising media.	
Agency Fees:	625,000
Cost to implement ad creative efforts, prepare materials, distribute materials to media.	
Spokesperson Program:	80,400
Fee, travel and out-of-pocket costs for national spokespersons.	
Public Relations:	500,000
Costs for communications efforts (traditional and social media) surrounding core messaging, teaching egg cooking techniques.	

Website/Online Programming: 100,000

Costs to maintain and update IncredibleEdibleEgg.org, and aeb.org web sites, as well as develop and implement online programs.

Opportunistic: 25,000

Cost to take advantage of unforeseen opportunities.

Shopper Marketing: 1,000,000

Cost to conduct consumer marketing programs that encourage shoppers to purchase more eggs, including promotional partnerships, in-store media, coupons, and efforts recommended by the Re-Inventing the Egg Case Task Force.

Postage: 1,000

TOTAL BUDGET \$11,600,000

American Egg Board
2015 Foodservice Budget Narrative

Program Administration: \$241,200

Includes salary, benefits, and staff training for the VP, Foodservice & Egg Product Marketing, Assistant Marketing Manager and the Foodservice Administrative Assistant; allocated administrative costs.

Travel: 28,000

Costs incurred to attend foodservice industry events, national accounts or educational meetings, egg industry meetings, Board meetings or local travel incurred related to the operation of the department.

Breakfast Expert Communications: 300,000

Costs associated with media, distribution of the Breakfast Beat newsletter, Incredible Breakfast Trends, QSR and other miscellaneous programs.

Fulfillment: 4,000

Cost of program materials sent to foodservice operators responding to ads or individual requests.

Foodservice National Accounts Program: 800,000

Promotional/communications program targeting major QSR, Fast Casual and Mid-Scale restaurant companies to increase menuing and usage of eggs at breakfast; includes consultant fee, travel expenses, promotional funds, special research projects, meetings/special events, and miscellaneous costs.

Foodservice Website: 40,000

Costs associated with updates/additions to the foodservice portion of the aeb.org website.

Research/Measurement: 225,000

Costs associated with purchasing research data for the national account partnership program and other foodservice communications as well as for program evaluation measurement.

Other Communications Programs: 412,300

Costs associated with the school foodservice, college & university and distributor programs, publicity programs, photography, recipe development, special industry events, and other communications projects.

Postage: 3,000

Memberships/Subscriptions/Professional Meetings: 1,500

TOTAL BUDGET \$ 2,055,000

American Egg Board
2015 Nutrition Budget Narrative

Program Administration: \$771,900

Includes salaries and fringe benefits of ENC staff and allocated administration costs. Also includes costs associated with ENC staff training and employee education.

Health Professional Outreach 550,000

Expenses include costs associated with ENC exhibit booth and dissemination of collateral materials, conference sponsorships, honoraria, partnerships, and other expenses designed to build relationships with health professional community.

Health Professional Education Programs 425,000

Costs associated with development of ENC newsletters and other educational materials, symposium development and sponsorships. Budget also includes costs for surveys designed to measure effectiveness of ENC programs and offerings.

Nutrition Research 1,813,600

Cost to fund and administer nutrition research program. Majority of projects to determine the effects of eggs on heart disease risk, and the positive benefits of nutrition. A small amount of dollars may also be used for exploratory, "functional egg" research. Budget includes research funds provided by Egg Farmers of Canada (\$100,000).

Social Media/Website 150,000

Costs associated with contiguous improvement and maintenance of ENC website and blog. Includes costs for guest bloggers, twitter parties, and other activities designed to enhance ENC's presence on social media outlets.

Scientific Advisory Panel; Health Professional Advisors 80,000

Expenses include travel costs and honoraria associated with participation in annual meeting, as well as other activities that advisors perform for us (speaking, writing, blogging, expert opinion, etc.) throughout the year.

News Bureau/Issues Management 65,000

Budget includes activities associated with press release development and distribution, and crisis management activities.

Staff Travel 75,000

ENC staff travel to conferences, meetings, research site visits, etc.

Agency/Consultant Account Support 65,000

Administrative and travel costs associated with PR agency and consultant activities.

Dues & Memberships 2,000

Costs associated with ENC staff memberships in professional organizations and related activities.

Office Supplies/Postage 2,500

TOTAL BUDGET \$ 4,000,000

American Egg Board
2015 Special Projects Budget Narrative

Contingency Fund:

Funds to be available for unexpected projects and industry emergencies
as may be needed.

\$ 800,000

TOTAL SPECIAL PROJECTS BUDGET

\$ 800,000

American Egg Board
2015 State Support Program Budget Narrative

Program Administration: \$184,400

Includes the salary and fringe benefits for the Director of State Programs and allocation of administrative costs.

Travel: 13,500

Travel to AEB Board meetings, State Marketing Meeting, and Industry meetings.

State Support Funding: 600,000

Funding to assist state organizations in conducting local promotions that complement the national program. Distribution method to be determined.

State Representative Travel: 16,000

Travel related expenses for four state representatives to attend AEB Board meetings.

Postage & Shipping: 1,000

Covers all postage for State Support which is not specifically listed in another line item category.

"Eggschange" Newsletter: 2,000

Newsletter to state promotion reps and AEB Board members, mailed bi-monthly with "News from AEB." Cost includes printing, postage, stationery, envelopes, and insertions.

Promotion Meeting: 16,000

Cost of holding one promotion/business seminar for state egg promotion personnel.

State Materials Development: 20,000

Development of new materials, such as booklets, leaflets, and posters, etc., and updating of current inventory to compliment current assets.

Merchandising Campaigns: 20,000

Creation and production of four publicity kits including seasonal recipes and releases, distributed to state directors for media outreach.

Materials Disbursement: 5,000

Covers requests for materials from miscellaneous organizations within states that do not have an active state group.

Materials Distribution: 297,800

Reflects the gross margin from the difference of the sales price of the AEB promotional merchandise, leaflets, and educational materials and the overhead costs for operating this service and allocation of administrative costs.

TOTAL BUDGET 1,175,700

American Egg Board
2015 Industry Programs Budget Narrative

Program Administration:

\$429,000

Includes the salary and fringe benefits for the Vice President, Director of Industry Communications, and Administrative Assistant, as well as allocated administrative overhead, such as rent, telephone, etc.

Staff Travel:

28,000

Includes travel for Vice President and other staff to attend industry meetings, visits with producers, promotional meetings, and other travel required to carry out Industry Program activities.

Annual Report:

8,000

Creative development, composition, printing/production of formal publication summarizing AEB activities and financial data.

Newsletters:

40,000

Covers cost for "News from AEB" sent to producers, allied industry, and other industry personnel. Includes printing, mailing service, postage, stationery, and envelopes. A monthly information card is also produced and sent to each handler along with their monthly assessment report.

Audio-Visual Support:

0

Cost of producing, copying, and distributing DVDs, which emphasize AEB promotional and educational activities and programs.

Special Projects:

8,000

Covers expenses for unforeseen, important industry events and promotions that arise during the year.

Industry Exhibits / Meetings:

20,000

Costs for informational materials and associated expenses involved in presenting AEB programs at industry trade shows.

Export Promotion:

185,000

Funds for projects to promote the sale of U.S. shell eggs and egg products in export markets through the USA Poultry and Egg Export Council (USAPEEC).

General Publicity Activities:

5,000

Covers participation and coordination activities and events to generate favorable publicity or additional media exposure.

Postage & Shipping:

5,000

Covers all postage for the department, which is not specifically listed in another line item category.

Good Egg Project

Speaker's Bureau:

30,000

Covers the CFI cost of scheduling speaking engagements for egg farmers trained in the speakers' workshops.

Education:

200,000

Funds all formal education initiatives related to schools, developing curriculum, including lessons plans, video content, teacher guides and other related educational materials.

Egg Industry Image Campaign:

1,372,300

Funds the Good Egg Project campaign, including, egg donations, publicity, educational videos, social media and partnerships.

White House Easter Egg Roll:

90,000

Reflects costs of conceiving and executive a full White House Easter Egg Roll display for the annual Easter Monday event. Costs include a formal display, exhibition materials, giveaways and promotional items.

Opportunistic:

102,000

Funds allocated to take advantage of unforeseen opportunities to promote the egg industry.

UEP Environmental Support:

80,000

Covers UEP expenses for its environmental program.

TOTAL BUDGET

\$2,602,300

American Egg Board
2015 Egg Products Marketing Budget Narrative

Program Administration:	\$303,900
Includes salary, benefits and staff training for the Director of Egg Product Marketing, Assistant Marketing Manager, and the Egg Product Marketing Administrative Assistant; and allocated department expenses.	
Travel:	18,000
Costs incurred to attend food manufacturing trade shows and/or educational meetings, egg industry meetings, Board meetings or local travel incurred related to the operation of the department.	
Trade Show Participation / Advisory Council:	90,000
Booth space, trade show materials, furniture rental, shipping charges for booth and trade show materials; costs associated with annual meeting of Food Tech Advisory Council.	
Media and Related Agency Costs:	480,000
Trade publications new advertising development costs, advertising insertion costs; insertion materials expenses; agency service fee to maintain presence and ensure effective communication of Egg Products program.	
Trade Communications:	167,500
Costs associated with production and mailing of printed twice-yearly newsletter <i>EGGSAMINER</i> that covers a variety of trends and current interest topics; digital & printed publicity efforts for editorial content; web updates; development of print & online advertising; new and reprinted/revised collateral materials for trade shows and direct mail.	
Customer Education / Support:	205,000
Chef assistance to solve food manufacturing challenges; support EGGSolutions hotline program and activities performed by egg products technical advisor; AEB-sponsored food manufacturer workshops; attendance at R&D conferences; webinar production; development of technical papers and video education.	

Egg Product Research: 450,000

Costs for research to provide solutions for issues related to egg products and new product development and reformulation. Research could address functional, nutrition or attitudes/usage of egg products.

Technical Director: 150,000

Consultant expenses to oversee current research projects, launch new research, interpret existing research data for functional applications, support current users of egg products, create and present technically based presentations to major influencers in the food and beverage industry. Costs to cover travel expenses to educational meetings, egg industry meetings, Board meetings and workshops.

Special Projects: 70,000

Implementation of programs and development of collateral materials as opportunistic initiatives present themselves to position eggs as a desirable ingredient vs egg replacer ingredients; additional funding for technical workshops; research chef technical assistance; and other opportunistic projects as they arise.

Postage: 9,100

Memberships/Subscriptions/Professional Meetings: 1,500

TOTAL \$1,945,000

American Egg Board
2015 Administration and Collections Budget Narrative

The Administration and Collections budget covers the cost of administrative personnel and expenses, consultants, collection and compliance activities, Board members' and alternates' meeting expenses, and USDA administrative expenses.

ADMINISTRATION

Program Administration: \$872,400

Includes the salary, fringe benefits, and staff training for the President, Vice-President, Director of IT, Executive Assistant, 50% of Receptionist and 50% of Compliance Manager.

Staff Travel: 69,000

Staff travel is for President and other administrative personnel, as required.

Equipment Rental: 2,100

Renting postage equipment.

Equipment Repair and Maintenance: 9,500

Estimated amount to keep office equipment and telephone system in good repair. Includes cost of service contracts.

Office Supplies and Incidentals: 25,000

Estimated amount required to obtain office supplies and generally used office materials, including all letterhead stationery.

Insurance and Bonds: 23,000

Travel and accident insurance, fidelity bond on staff and Board officers, multi-peril insurance and workmen's compensation.

Bank Service Fees-Custodial A/C 7,000

Oversight and Record Keeping of Investments.

Bank Service Fees-Checking: 3,000

Monthly service for Deposits, Disbursements and Wire Transfers.

Depreciation-Equipment and Computer: 40,000

Depreciation of furniture, fixtures, and computer equipment.

Office Rent: 190,000

Rental and other charges for office space and storage.

Postage and Shipping: 7,400

Amount required for general office use, including Board mailings. Does not include amounts charged to specific programs.

Telephone & Fax: 32,000

Cost of incoming lines, amortization and repair of PBX switch, long distance calls, and other telephone expenses.

Miscellaneous:

Unanticipated administrative expenses 18,000

M.I.S (Management Information Systems):

Computer Maintenance 7,000

Computer Technical Support 9,000

Computer Programming 25,000

Computer Supplies 6,500

Computer Enhancements 25,000

Computer On-Line Services 2,500

Operation and maintenance of the in-house computer systems.

Payroll Service: 3,300

Cost of payroll done by outside service bureau.

Personnel Search:	7,500
Want ads and executive search & relocation for hiring new and replacement staff.	
Memberships and Subscriptions:	3,000
Staff memberships in trade associations plus subscriptions to trade publications and periodicals.	
Commodity Roundtable:	7,000
Participation in coordinated communication program with other Research and Promotion Orders.	
Strategic Planning Meeting	
Facilitating and travel costs for the implementation and publication of AEB's Strategic Plan.	35,000
All-Staff Workshop	10,000
An annual event to promote team building amongst the staff.	
Professional Fees:	
Legal	50,000
Audit – Annual Certified / GAGAS Audit	23,000
Other Consultants	15,000
Outside legal assistance on matters not requiring use of USDA legal staff. Annual certified GAGAS audit of AEB. Use of outside consultants.	
Chargeback to Program:	-674,800
Estimated administrative salaries, rent and MIS costs charged back to program departments based on use.	
Total Administration	\$817,400

COLLECTIONS

Program Administration:	\$93,600
Includes the salary, fringe benefits and staff training for Compliance Manager, as well as allocated administrative overhead.	
Staff Travel:	2,000
Travel expense for compliance staff for purposes other than collections investigations.	
Collections Communications:	2,000
Forms and postage for mailing monthly collecting handler reports, refunds, exemption certificates, collection letters, and notices to handlers and producers.	
Collections Audit:	20,000
To cover costs of conducting 3-5 producer assessment audits.	
Total Collections	<u>\$117,600</u>

BOARD MEETINGS

Travel – Members	60,000
Travel – Alternates	60,000
Travel – Executive Committee	17,000
Meeting Expense	<u>120,000</u>
Total Board Meetings	\$257,000

USDA ADMINISTRATIVE EXPENSE

AMS	250,000
OGC	---
Compliance Audits	---
Total USDA Administrative Expense	\$250,000

TOTAL ADMINISTRATION and COLLECTIONS \$1,442,000



Office of the
Deputy Administrator
Livestock, Poultry, and
Seed Program

1400 Independence Avenue, SW.
Room 2092-S, STOP 0249
Washington, DC 20250-0249

AUG 29 2014

Ms. Joanne C. Ivy
President & Chief Executive Officer
American Egg Board
1460 Renaissance Drive
Park Ridge, Illinois 60068

Dear Ms. Ivy:

This is in response to your August 5, 2014, letter requesting approval of the American Egg Board's (Board) fiscal year (FY) 2015 operating budget totaling \$25,620,000.

We have reviewed and approve the FY 2015 operating budget as submitted. Additionally, we have reviewed and approve the Board's administration budget in the amount of \$817,400.

As you know, funds generated under the Egg Research and Promotion Order (Order) are to be used for programs authorized under the Order.

If you have any questions, please contact Angie Snyder at (202) 680-3714.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Morris".

Craig A. Morris
Deputy Administrator
Livestock, Poultry, and Seed Program

Exhibit 66

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August 5, 2014

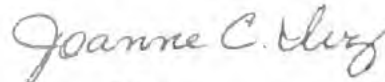
Ms. Angie Snyder
USDA AMS LPSP

Dear Angie:

Enclosed for your review and approval is the proposed 2015 AEB Budget and supporting documents as approved by the Board at its meeting on July 10, 2014. The 2015 Strategic Plan will be provided in January 2015.

Please let me know if you have any question or require any additional information.

Sincerely,



Joanne C. Ivy
President & CEO

JCI/gr
Enclosure
cc: Paul Sauder

Received
8.8.14

American Egg Board

1460 Renaissance Drive, PO Box 738, Park Ridge, IL 60068
aeb.org incredibleegg.org

P 847.296.7043
goodeggproject.org

F 847.296.7007

Exhibit 66

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Reynolds, Leon - AMS

From: Elisa Maloberti <EMaloberti@aeb.org>
Sent: Tuesday, May 13, 2014 1:35 PM
To: Payne, Kenneth - AMS
Subject: Egg Presentation
Attachments: 5.13.14.Emily.DeBord.USDA.mtg.ppt

Elisa Maloberti | *Director of Egg Product Marketing*

American Egg Board

O 847.296.7043 | D 224.563.3711

PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068

AEB.org IncredibleEgg.org



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Exhibit 67

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American Egg Board

An Eggsplanation of Eggs and Egg Replacers
for Emily DeBord & Kenny Payne

May 13, 2014

incredible!



Exhibit 67

Page 7 of 26

American Egg Board



American Egg Board

What We'll Cover Today

- Explanation of Eggs' 20+ Functions
- Definition of Egg Replacers
- Examples of Replacer Ingredients
- Clean Label Campaign
- 12 Questions Brochure



Exhibit 67

Page 3 of 26

Why Formulators Use Eggs?



American Egg Board

- Adhesion
- Aeration
- Browning/Color
- Coagulation/Thickening
- Humectancy/Shelf-Life Extension
- Crystallization Control/Freezability
- Emulsification
- Texture



Exhibit 61

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Why Formulators Use Eggs?

incredible!



American Egg Board

Eggs perform many simultaneous functions in food applications.

Other ingredients can perform some of the functions of eggs, but not one singular ingredient or blends of ingredients match all functional attributes of eggs.



Exhibit 67

Page 5 of 26

What Are Egg Replacers?



American Egg Board

Animal or plant-based ingredients that can mimic the functional attributes of eggs in food applications.



American Egg Board

Why Use Egg Replacers?

- Allergic concerns
- Food safety concerns
- Animal welfare concerns
- Price volatility of eggs

Exhibit 67

Page 7 of 26

Ingredients used in egg replacers



American Egg Board

- Whey protein isolate
- Soy protein isolate
- Gums
- Gelatins
- Starches
- Wheat proteins
- Pea Protein
- Enzymes

Competitive Profile – Larger Egg Replacers

Product/ Supplier	Base	Applications	Functionality	Differentiation	Threat	Rationale for Threat Rating
Alleggra Tate & Lyle	Soy	<ul style="list-style-type: none"> Bakery Mayo/dressing Pasta Foodservice 	<ul style="list-style-type: none"> Gelation Emulsification Moisture 	<ul style="list-style-type: none"> Cost reduction Health Convenience Functionality 	M/L	<ul style="list-style-type: none"> Developed by Unilever Ventures so it should be effective However it has had minimal impact after many years on market
Baker's Egg Replacer Gum Tech Corp	Gum	<ul style="list-style-type: none"> Baked goods 	<ul style="list-style-type: none"> Cell structure Texture 	<ul style="list-style-type: none"> Cost reduction 100% replacement 	L	<ul style="list-style-type: none"> Gum Tech is very small company with limited resource
BakeRite ER Adv Food Systems	Hydro-colloids	<ul style="list-style-type: none"> Baked goods 	<ul style="list-style-type: none"> Aeration Moisture 	<ul style="list-style-type: none"> Cost reduction Low fat Extended shelf life 	L	<ul style="list-style-type: none"> Product does not appear to a focus for AFS
Beyond Eggs Hampton Creek	N/A	<ul style="list-style-type: none"> Baked goods Sauces Dressings Pasta Scrambled eggs 	<ul style="list-style-type: none"> Aeration Coagulation Emulsification Flavor Mouthfeel Texture 	<ul style="list-style-type: none"> Cost reduction Wide application range Cholesterol-free Vegan 	M	<ul style="list-style-type: none"> Broad functionality & application Company has VC-backing However, senior leadership no food people
BiPRO Davisco	Whey	<ul style="list-style-type: none"> Beverage Bakery Ice cream Nutrition bar 	<ul style="list-style-type: none"> Aeration Binding Emulsification Gelation 	<ul style="list-style-type: none"> Breadth of application 	L	<ul style="list-style-type: none"> Davisco targets consumers more than industrial applications

Threat Level to Egg Producers
H = High, M = Medium L = Low



Competitive Profile – Larger Egg Replacers

Product/ Supplier	Base	Applications	Functionality	Differentiation	Threat	Rationale for Threat Rating
Blue 100 NPISoy	Soy	<ul style="list-style-type: none"> Bakery 	<ul style="list-style-type: none"> Emulsification Handling 	<ul style="list-style-type: none"> Cost reduction 100% vegetarian Kosher Cholesterol-free Non-GMO Long shelf life 	M/L	<ul style="list-style-type: none"> NPISoy is a relatively small company with limited resources
Coyote Gum Tech Corp	Soy lecithin	<ul style="list-style-type: none"> Baked goods Custards Quiches 	<ul style="list-style-type: none"> Coagulation 	<ul style="list-style-type: none"> Cost reduction 	M/L	<ul style="list-style-type: none"> Gum Tech is very small company with limited resource
EggOut Harvest Innovations	Pea	<ul style="list-style-type: none"> All (?) 	<ul style="list-style-type: none"> All (?) 	<ul style="list-style-type: none"> Cost reduction 	L	<ul style="list-style-type: none"> Harvest Innovations is very small company with limited resource
EggRep Pro Leprino	Whey	<ul style="list-style-type: none"> Bakery Custard Dairy Dressing 	<ul style="list-style-type: none"> Emulsification Foaming 	<ul style="list-style-type: none"> Cost reduction Functional equivalent 	L	<ul style="list-style-type: none"> Leprino does not appear to be focused on this product at this time
EggStend Parmalat	Whey	<ul style="list-style-type: none"> Baked goods Pasta Dressing 	<ul style="list-style-type: none"> Color Gelation Emulsification Flavor Foaming Moisture Structure Texture 	<ul style="list-style-type: none"> Very broad functionality 	M	<ul style="list-style-type: none"> Provides broad functionality However, Parmalat has struggled in the U.S.

Threat Level to Egg Producers
H = High, M = Medium L = Low



Competitive Profile – Larger Egg Replacers

Product/ Supplier	Base	Applications	Functionality	Differentiation	Threat	Rationale for Threat Rating
EggStreme Primera	Soy	<ul style="list-style-type: none"> Bakery Beverages Mayo/dressing Sauces 	<ul style="list-style-type: none"> Flavor Texture 	<ul style="list-style-type: none"> Quality ingredients & processes Sales support 	M	<ul style="list-style-type: none"> Primera is egg producer so it has expertise in egg functionality
Elegance Ingredion	Whey	<ul style="list-style-type: none"> Bakery Custard Dressing Snacks Soup, sauce 	<ul style="list-style-type: none"> Binding Emulsification Gelation Structure 	<ul style="list-style-type: none"> Innovation Cost reduction Fat reduction 	M	<ul style="list-style-type: none"> Ingredion is a large ingredient company with broad resources
Emfix Am Key Food Prods	Starch	<ul style="list-style-type: none"> Baked goods Dressing Cheese analogs 	<ul style="list-style-type: none"> Emulsification Structure 	<ul style="list-style-type: none"> Cost reduction Allergen-free 	L	<ul style="list-style-type: none"> The product is imported from Europe and the local rep is relatively small
Hamulsion Tate & Lyle	Hydro-colloid	<ul style="list-style-type: none"> Bakery Drinks Ice-cream Soups, sauces 	<ul style="list-style-type: none"> Emulsification Stabilizer 	<ul style="list-style-type: none"> Cost reduction Quality 	L	<ul style="list-style-type: none"> Not yet available in the U.S.
Isolexx BioExx	Canola	<ul style="list-style-type: none"> Bakery Meat Meat analog Nutrition bars 	<ul style="list-style-type: none"> Emulsification Foaming Gelation Solubility 	<ul style="list-style-type: none"> Functionality High protein Non-GMO 	L	<ul style="list-style-type: none"> Tiny company experiencing financial difficulties

Threat Level to Egg Producers
H = High, M = Medium L = Low

American Egg Board: Industrial Egg Replacers Topline

10 Exhibit 67

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Strategic Growth Partners, Inc.
Helping Companies Grow Since 2000

Competitive Profile – Larger Egg Replacers

Product/ Supplier	Base	Applications	Functionality	Differentiation	Threat	Rationale for Threat Rating
Novalite Brolite	Gums Enzyme	▪ Baked goods	▪ Emulsification ▪ Moisture ▪ Structure ▪ Texture	▪ Complete replacement	M/L	▪ Brolite has broad bakery experience which should help in these applications
Nutrilac Arla Foods	Milk protein	▪ Bakery	▪ Emulsification ▪ Texture	▪ Cost reduction ▪ Ease of use ▪ Clean label	M	▪ Replacer for other products (e.g., milk) makes this suspect
Optisol Glanbia	Flax, whey	▪ Baked goods ▪ Baking mixes	▪ Flavor ▪ Moisture ▪ Texture	▪ Cost reduction ▪ 1:1 replacement ▪ Taste	?	▪ New, so unknown efficacy
PenTech NG Penford	Starch	▪ Baked goods	▪ Emulsification ▪ Moisture ▪ Texture	▪ Non-allergenic ▪ Cost reduction	?	▪ New, so unknown efficacy
Prolite ADM	Wheat	▪ Bakery	▪ Aeration ▪ Foaming ▪ Softness ▪ Structure ▪ Texture	▪ Cost reduction	M/L	▪ ADM is a large ingredient company with broad technical & sales resources
Versa-Sheen Ingredion	Starch	▪ Bakery	▪ Gloss	▪ Shelf-life ▪ Cholesterol-free ▪ Handling ▪ Food safety	L	▪ Limited application will constrain its success
Vita-Ex J&K Ingredients	n/a	▪ Bakery	▪ Flavor ▪ Texture	▪ Cost reduction	L	▪ Small company with limited resources

Threat Level to Egg Producers
H = High, M = Medium L = Low



Egg Replacers Marketing Materials



Egg Replacement

Remove the egg, retain the texture

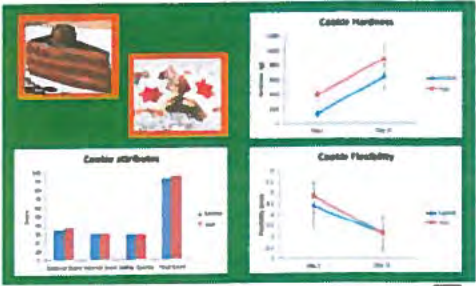
**The FiberGel LC[®] Equation:
Egg Removal = Added Value**

Features:

- Improved
- Flexibility
- Moisture & Taste
- Clean

With its unique ability to improve consistency and competitive pricing, FiberGel LCB can be used to create 100% Egg-free bakery products. Not only a FiberGel LCB easy to use, it offers a wide range of attributes which give customers flexibility in most bakery applications and more.

The removal of Egg from bakery products can adversely affect texture, moisture, taste, and shelf-life. FiberGel LCB enables moisture management and structure in bakery goods which mitigate undesirable side effects. Priced competitively, FiberGel LCB can help you deliver high-quality, Egg-free products that keep your customers coming back for more.



Florida Food Products, Inc.
2731 West CH 44
Gainesville, FL 32626
PH: 352-357-4141
FAX: 352-485-5192

Plot Data Provided By: **AVL**

FLORIDA FOOD PRODUCTS
TASTY INNOVATIONS

FOOD BUSINESS NEWS

New flaxseed ingredient may **replace eggs** in baked foods

By [Name]

FITCHBURG, WIS. — Clabba Nutritionals has introduced OptiSel 3000, an ingredient that has been shown to replace eggs in bakery applications. Manufacturers may list OptiSel 3000 as flaxseed meal and a key protein concentrate on ingredient lists.

According to the Fitchburg-based company, OptiSel 3000 provides a cost-effective alternative to eggs in such applications as cakes, muffins, pancakes, sweet bakery mixes, baked bars, eggs rolls, waffles, refrigerated cookie dough. It may be used in a 1:1 inclusion rate for dried whole eggs. A Clabba Nutritionals' texture analyzer showed no significant difference in texture between using OptiSel 3000 and dried egg yolks.

"The increasingly volatile prices in the egg and... manufacturers and bakers..."

Harvest

WEIGHT

- Protein
- Fiber
- Fat
- Moisture
- Ash

Mayonnaise & dressings

EmulsiForm and ColdFood - Key benefits in mayonnaise and dressing applications

EmulsiForm

Easing out the eggs

EmulsiForm Easing out the eggs

EmulsiForm

EmulsiForm

Beyond Eggs



HAMPTON CREEK
BEYOND EGGS

A multifunctional, plant-based ingredient.

- Less expensive than eggs
- Wide application range
- Cholesterol Free
- Entirely plant based (vegan)

APPLICATION RANGE

Beyond Eggs works across the whole of food products to ground you the space sustainably as eggs exist and saves time.

BAKED GOODS
Use for traditional cupcakes and egg tarts, as well as the new, Flourish, Beyond Egg chocolate chip cookies, macarons, meringues and more. Beyond Eggs is a simple, easy-to-use, plant-based egg substitute that also helps you save time and reduce your carbon footprint.

DRESSINGS/SAUCES
Use in place of eggs in dressings and sauces, such as the new, Flourish, Beyond Egg dressing and the new, Flourish, Beyond Egg dressing. Beyond Eggs is a simple, easy-to-use, plant-based egg substitute that also helps you save time and reduce your carbon footprint.

PASTA
Use Beyond Eggs in a traditional egg-based pasta sauce, such as the new, Flourish, Beyond Egg pasta sauce. Beyond Eggs is a simple, easy-to-use, plant-based egg substitute that also helps you save time and reduce your carbon footprint.

FOOD SERVICE
Beyond Eggs is a simple, easy-to-use, plant-based egg substitute that also helps you save time and reduce your carbon footprint.

PRODUCT DESCRIPTION	UNIT OF MEASURE	BAR	DESCRIPTION
BAKED GOODS	50 lbs Bag - 100	110001100	Beyond Eggs replacement powder for baked goods
SAUCES & DRESSINGS	50 lbs Bag - 100	110001100	Beyond Eggs replacement powder for sauces and dressings
SAUCES & DRESSINGS	50 lbs Bag - 100	110001100	Beyond Eggs replacement powder for sauces and dressings

Visit www.beyondeggs.com/beyondeggs for more information!



just
MAYO

Your favorite sandwich. With a spoonful of joy.

Original potato salad. Creamy, rich mayo for any sandwich, anytime. Welcome to Just Mayo, where taste and sustainability live on the same plate.

BEYOND EGGS
for cookies

Don't just bake cookies. Bake better cookies.

Chocolate chips. Peanut butter. And even oatmeal raisin. Beyond Eggs for Cookies is the ingredient that represents what you already value.

Best Laid Plans

Plant-based egg substitute could benefit millions of hens.

By Andrew Heinecke | December 28, 2017

Josh Feitel, CEO of Hampton Creek, is set to change the world with a plant-based powder called Beyond Eggs. It gets its name from a story of a chicken that lays an egg every day. The company's mission is to revolutionize the way we eat. There's also something else about the story of the chicken. The revolution of the powder can be used to replace eggs in baked goods like

made from PLANTS backed by 14,040 votes

14,040 votes

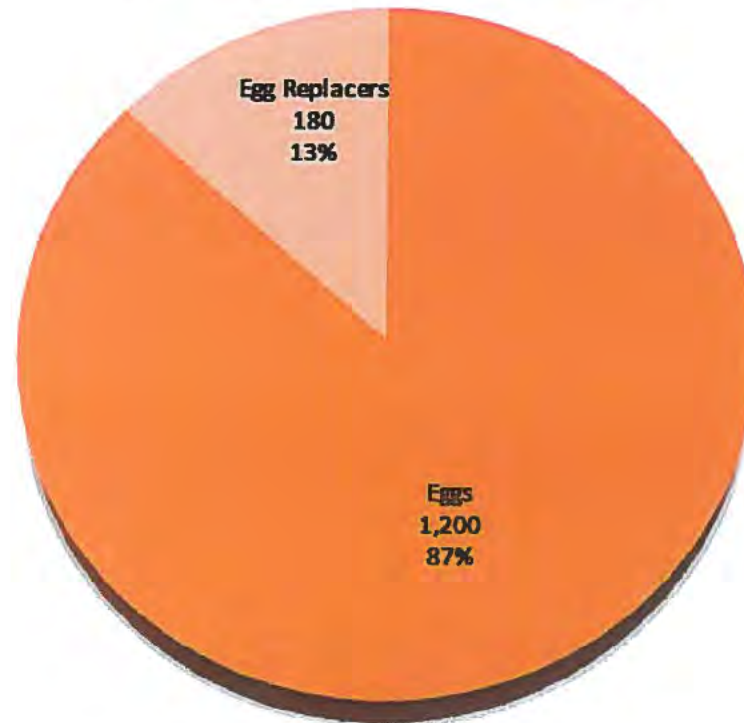
266 comments

It's everything from baked goods to smoothies. Without a cholesterol-free egg. 14,040 votes. 266 comments. 14,040 votes. 266 comments.

The powder is a mixture of a number of plant-based ingredients that give it the texture and taste of an egg. It's made from a number of plant-based ingredients that give it the texture and taste of an egg. It's made from a number of plant-based ingredients that give it the texture and taste of an egg.

We estimate that in 2008, Egg Replacers garnered the equivalent of 10-15% of Egg opportunity

**2008 Eggs & Egg Replacers Used in Industrial Applications
Volume Equivalent in MM lbs**

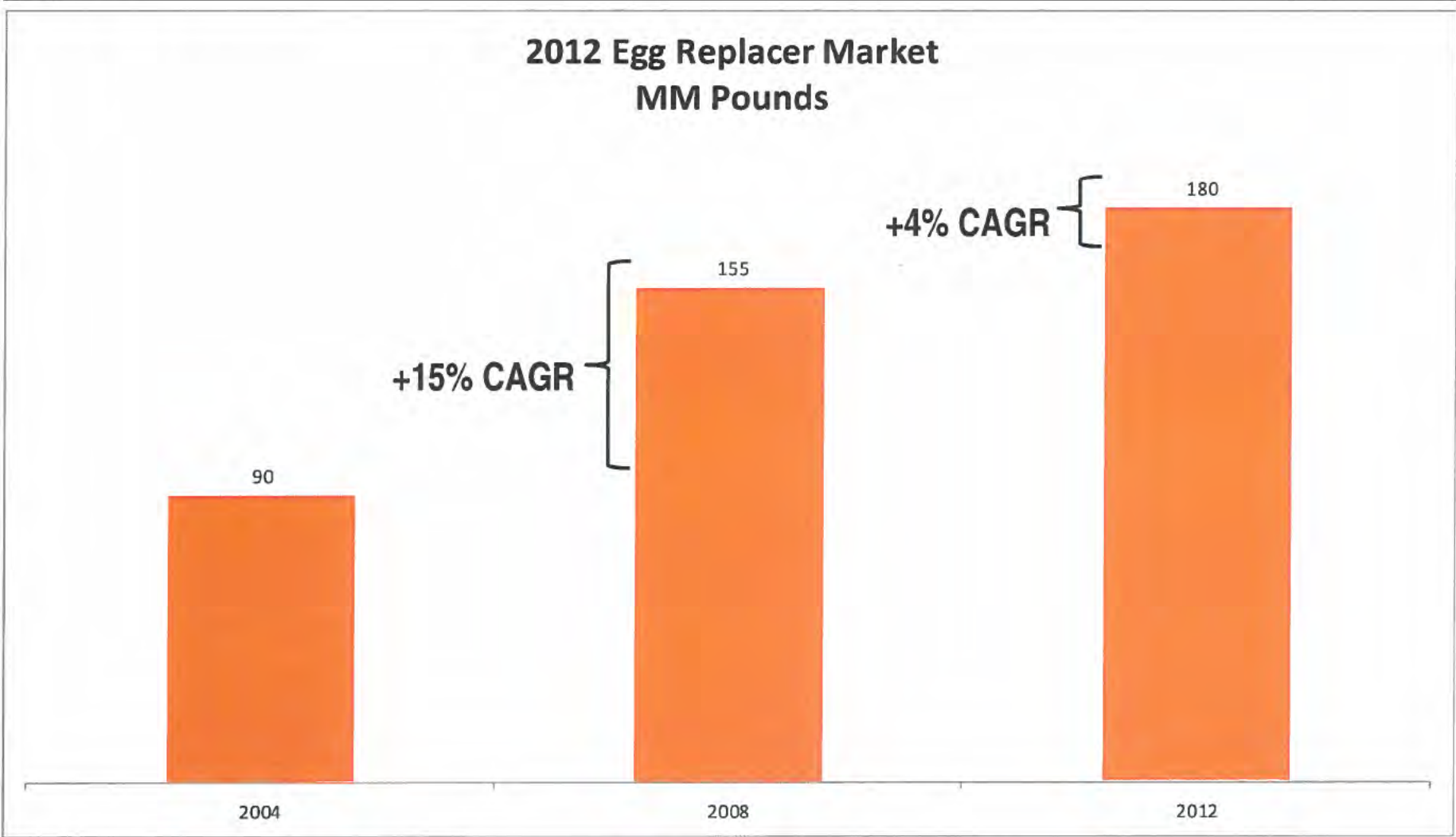


Total Volume = 1,380 MM lbs.

All sales figures midpoints of ranges and can vary $\pm 15\%$
Source: Strategic Growth Partners, Inc. from various sources



The Egg Replacer market has stabilized after significant previous growth



All sales figures midpoints of ranges and can vary $\pm 15\%$
Source: Strategic Growth Partners, Inc. from various sources

Egg Replacer Campaign Rationale



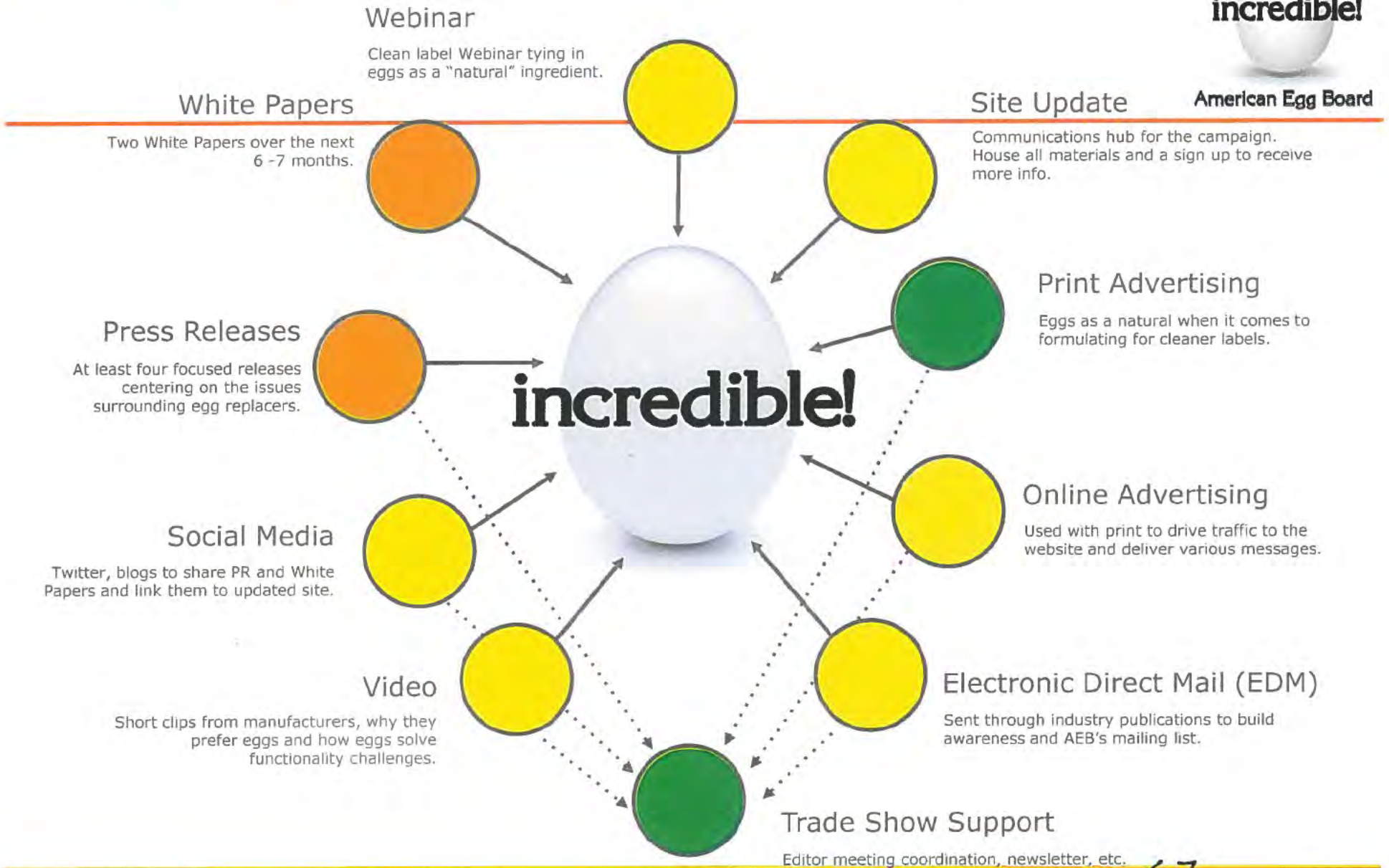
- Compete with egg replacers to maintain share of egg products in food formulation.
- Compelling facts to promote egg product usage in a tone that levels the playing field between egg products and egg replacers.
- Develop “sales pitch” to help our members promote their products.

● Web ● Print ● Web + Print

Egg Replacer Response Campaign



American Egg Board



Clean Label Campaign



The Egg & Clean Labeling

It's natural

An American Egg Board briefing (white paper) on the relevance and importance of eggs in today's clean label marketplace and their power to enhance and protect your food product's market share.



Egg Replacer Response Campaign



Online Advertising

Eggs make a positive impact on your product and on your label

The Egg & Clean Labeling

Incredible! American Egg Board

To get the full story [DOWNLOAD](#)
a **FREE white paper** from the American Egg Board —
“The Egg & Clean Labeling”

REAL eggs make a **REAL** difference.

The Egg & Clean Labeling

Incredible! American Egg Board

Clean Label Ad Campaign



REAL Eggs or Egg Replacers?

Clean Label Fact

93%
of consumers prefer to see common names for ingredients on food labels*

*2013 International Food Information Council "Health and Wellbeing" survey results

REAL eggs make a REAL difference on your label.

A familiar and trustworthy ingredient, eggs can make an important difference in consumer buying decisions, while giving product developers incredible functionality. Using Real Eggs makes a real difference in consumer acceptance and product quality.

Download our NEW white paper "The Egg and Clean Labeling" and get more info on the benefits of using REAL Eggs in your applications — visit AEB.org/RealEggs

© 2013 American Egg Board

REAL Eggs or Egg Replacers?

artificial

natural

nutritious

Clean Label
Consumers equate clean labels as natural and better for them*

REAL Eggs are NATURAL & NUTRITIOUS

REAL eggs fit naturally in today's clean label marketplace.

61% of consumers believe that a product is better for them when labeled "all natural." And their definition of clean label is clear — they want to see ingredients they are comfortable and familiar with — items they have in their homes and would use to make recipes themselves.

REAL eggs make a REAL difference on your label.

Download our NEW white paper "The Egg and Clean Labeling" and get more info on the benefits of using REAL Eggs in your applications — visit AEB.org/RealEggs

*Natural and Clean Label Trends 2013
Research from Food Intelligence USA via Info 21-13

© 2013 American Egg Board

Clean Label On-Line Advertising



Close ad [X]

Consumers equate clean labels as natural & better for them*

incredible!
American Egg Board

*Natural and Clean Label Trends 2013, Monitor from Food Packaging USA in June 2013

Close ad [X]

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Close ad [X]

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DOWNLOAD [v]

our **FREE** white paper
"The Egg & Clean Labeling"

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Close ad [X]

REAL
Eggs make a **REAL** difference on your label.

incredible!
American Egg Board

Clean Label Ad Campaign



home of the incredible edible egg™

website recipes enter your search here Go

- Home
- Egg Industry
- Retailers
- Foodservice Professionals
- Food Manufacturers
- About AEB

Food Manufacturers

Overview

All About Egg Products

Egg Product Functionality

REAL Eggs or Egg Replacers?

FAQs

White Papers/Studies

News

FunctionalEgg.org

Egg Products In The News

In The Industry

Egg Nutrition & Trends

Egg Product Formulations

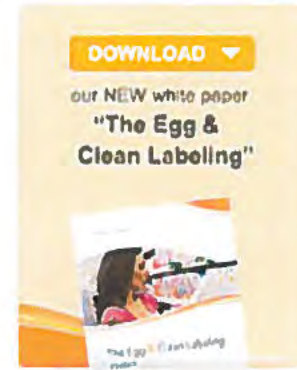
Home > Food Manufacturers > REAL Eggs or Egg Replacers?

REAL Eggs or Egg Replacers?



Accept no substitutes!

Over the past few years there's been a great deal of discussion, research and application work done to replace eggs with various products. And while any number of companies are working hard to develop a product that can compete head on with this most versatile of ingredients – the fact of the



Questions on REAL Eggs or Egg Replacers?

Get answers here!

Name

Exhibit 67

Page 23 of 26

12 Questions to Consider...

incredible!



American Egg Board

- Identifying processing challenges when formulating eggs “out” of a product
- Creating “doubt” about replacers
- Sales piece for industry members to help sell their product.



Questions ?

incredible!



Exhibit 67

Page 25 of 26

American Egg Board

Thank you.

incredible!



Exhibit 67

Page 26 of 26

American Egg Board

**MINUTES
NUTRITION COMMITTEE**

American Egg Board
Westin Savannah Harbor Golf Resort and Spa
Savannah, GA
November 7, 2013

Members Present

Karyn Kreher, Chairman
Greg Herbruck
Scott Horton
Andrew Reichman
Scott Ramsdell
Diane Sparish
Patricia Stonger
Debbie Murdock, State Representative

Edelman

Katie Hayes RD
Mary Young RD

USDA

Emily DeBord (partial)

AEB/ENC Staff

Mitch Kanter, PhD
Don Layman, PhD
Tia Rains, PhD
Anna Shlachter RDN, LDN

Members Not Present

Jill Benson
Jesse LaFlamme

External Speaker

Maro Ibarburu

Chairman Karyn Kreher called the Nutrition Committee Meeting to order at 1:00 pm CT.

A motion was made by Scott Ramsdell and seconded by Diane Sparish to approve the minutes of the July 10, 2013 Nutrition Committee meeting. Motion unanimously approved.

Dr. Mitch Kanter welcomed members and provided the meeting overview.

Dr. Tia Rains discussed the research timeline; two recently published ENC-funded studies; and the 2014 research pillars. Rains also reviewed steps being taken to strengthen grant program processes. The program has grown over the past four years and there are approximately 25 active studies and more new studies are funded yearly.

Dr. Donald Layman reviewed the status of 2013 grants, including multiple collaborative studies with other commodity groups. Layman also discussed the Protein Summit 2.0 meeting that was held in Washington DC in October, as well as background information and outcomes from the 2010 Summit. He stated that the proceedings from the 2012 Summit will be published in the American Journal of Clinical Nutrition (AJCN). Greg Herbruck inquired whether the leucine content of the egg could be increased via the diet. Layman indicated that it was not possible to change the amino acid profile of the egg.

Dr. Rains discussed the upcoming American Society of Nutrition Symposium, *"The Controversial Role of Protein in Diabetes and Related Disorders"*, which was created and sponsored by Egg Nutrition Center. The revamp of the Nutrition Research Update (NRU) into a more scientific publication was noted, as well as enhancements to the layout and distribution of the Biweekly Research Update. The committee indicated that they would like to receive the Biweekly Research Update so their names will be added to the distribution list.

Dr. Kanter introduced the video "The Heart of the Matter". This 30 minute program aired on an Australian television station, and it questioned cholesterol research and guidance throughout the years. Committee members would like a link to the video and it was also noted the video is available on YouTube.

Kanter also mentioned ENC's partnership with Oldways/Mediterranean Foods Alliance and the recently-developed education brochure highlighting eggs as a part of the Mediterranean diet. He emphasized that partnerships like this provide a higher level of credibility with the co-branding of ENC's logo alongside other well-respected health professional organizations/groups.

Dr. Maro Ibarburu (Iowa State University) discussed the recently completed Iowa State University Sustainability Study and changes in the egg industry over the past 50 years that have improved the industry's overall environmental footprint. Herbruck asked if manure management was going to remain a key opportunity for improving sustainability in the future. Ibarburu indicated that he expects it to remain an important factor for future improvement. The work that AEB has done related to the promotion of the study was commended. Kreher asked to get copies of the sustainability report for the committee.

Anna Shlachter provided an overview of ENC alliances and relationships, as well as recent webinars and co-branded education materials. Shlachter also reviewed the new infographic as well as updates to the Nutrition Close-Up that Rains has implemented to improve content and appearance. Shlachter discussed exhibit and conference activities over the past quarter. In addition, she provided highlights from the Food and Nutrition Conference & Expo exhibit and educational breakfast. Health Professional Advisor (HPA) activities and website and blog updates were also reviewed.

Mary Young (Edelman) discussed Dietary Guidelines and reminded the Nutrition Committee that the Guidelines are a cornerstone to federal policy and nutrition recommendations. Young mentioned that ENC nominated two members who were accepted to the Guidelines Committee and that Kanter has been accepted to provide oral comments to the Committee. ENC will also submit more extensive written comments to educate the committee on newer egg-related research. Kanter reminded the group of the Tufts cholesterol evidence based analysis and, pending the outcome of the analysis, this paper would likely be submitted to the Dietary Guidelines Evidence Analysis Library. Ibarburu inquired whether changes to the Guidelines are generally significant. Young explained there have been few major changes throughout the years, but the shift from the pyramid to the plate was an important outcome of the 2010 Guidelines.

Katie Hayes (Edelman) provided an overview of ENC's media presence, and methods to drive awareness of ENC research and related activities. Hayes discussed successes of the infographic, noted radio interviews on WGN by Rains, and also introduced the new metrics dashboard as a way to track our online efforts more effectively. Ibarburu inquired if we are able to identify key trends with our process and Hayes explained this is one of the main reasons for implementing the dashboard.

Kanter discussed the International Egg Nutrition Consortium (IENC). Currently the IENC website is the main component of the program and Kanter also sends monthly email updates to the group. There are almost 50 countries that have joined IENC, including several new African countries since the meeting in Cape Town in September. Kanter reported the US, along with a few other countries, are primarily providing information for the website, and that there is a possibility of convening for a scientific conference over the next year. Pat Stonger suggested the group look into posting on the website *Doctors Without Borders* and that audio capability at an international conference could help, given language barriers. Ibarburu agreed this would be beneficial.

Kanter reviewed target audiences for 2014 and introduced the 2014 Objectives and Strategies.

Kreher suggested that ENC let Committee members know when research site visits are scheduled in their areas. Diane Sparish asked if being involved in sustainability projects would lessen ENC's credibility and dilute the science. Kanter and Layman both indicated that sustainability is becoming more prevalent in nutrition conversations. Nutrition, sustainability and affordability together create a new way of discussing egg benefits. Ibarburu suggested that an index which includes nutrition and sustainability be considered and Kanter mentioned this was an idea of a recent brainstorm. It was also noted that sustainability was discussed at the first meeting of the Dietary Guidelines Committee. Rains noted that the issue is beyond greenhouse gases and that some of the most unhealthy foods have the least environmental footprint, so this is another reason that it is being discussed in the nutrition arena.

Kanter noted that for this upcoming year ENC will monitor sustainability activity to stay abreast of the research environment.

Sparish asked how we measure if we have "moved the needle" on the health professional's perspectives regarding eggs. Shlachter and Hayes noted that this is the purpose of the annual Health Professional Benchmarking survey and that these results will be reviewed at the March 2014 Board meeting.

Andrew Reichman made a motion and Pat Stonger seconded the motion to accept the 2014 Strategies and Objectives. Motion passed unanimously.

Kanter led an interactive discussion regarding ENC contract issues, particularly as they relate to intellectual property. He informed the group that the Executive Committee had approved ENC moving forward with USDA and legal counsel to revise contract language, so that our language is consistent with that of other commodity groups. USDA representative, Emily DeBord, reminded the committee that this process was necessary because our present contract includes the language written into our Act and Order. Now that approval from the Executive Committee has been obtained, ENC will provide Debord with proposed language and she will present it to the Office of General Council. After the language is approved by all including the AEB Executive Committee, the changes will be effective. Debbie Murdock stated that she has facilitated a contract with the University of California (UC) Davis for another group and that she would send this information to Kanter if it would be useful in crafting new language.

Kanter provided a brief update on the Beyond Eggs product as a follow up to a conversation initiated during the last committee meeting. Kanter noted that John Howeth and his team are leading this project since it is related to food production. The claims behind the Beyond Eggs product are vague and there are different ingredients for each application, making it difficult to compare functionality and cost to eggs. Murdock noted that Whole Foods in her area is using Beyond Eggs in the deli section and she has provided a sample to AEB.

Kanter provided a status update on the vitamin D project. AEB was advised not to move forward with the plan discussed at our last Board meeting, because asking egg producers to collectively sign an agreement indicating a willingness to add vitamin D to hen feed might appear to be collusion. Kanter did mention that it was a good idea to keep vitamin D on the radar as new studies are coming out every day. In addition there could be discussions regarding over-fortification of vitamins and minerals in foods at the upcoming DGA meetings. This is an area where eggs could positively stand out.

A motion was made by Greg Herbruck and seconded by Andrew Reichmann to adjourn the meeting.
The meeting was adjourned at 4:25 pm CT.

(b) (6)

[Redacted signature area]

12/4/13

Karyn Kreher, Chairman

Date

Exhibit 68

Page 3 of 4

Reynolds, Leon - AMS

From: Karyn Kreher <karyn@krehereggs.net>
Sent: Wednesday, December 04, 2013 9:56 AM
To: Mitch Kanter
Cc: Joanne Ivy; Joanne Ivy
Subject: RE: Minutes
Attachments: November 2013 Board minutes.docx

Mitch,

Attached are the meeting minutes, signed. Everything looks good.

Have you gone in front of the Dietary Guidelines committee yet?

Karyn Kreher
Director of Food Safety and Quality Assurance
Kreher's Farm Fresh Eggs
Wayne County Eggs
716-759-6802 office
716-713-3387 cell

My email address has changed.
Please update my contact information to my new email address:
Karyn@krehereggs.net

From: Mitch Kanter [<mailto:MKanter@eggnutritioncenter.org>]
Sent: Tuesday, December 03, 2013 6:27 PM
To: Karyn Kreher
Cc: Joanne Ivy
Subject: Minutes

Karyn-
Hope you had a good Thanksgiving.

Minutes from the recent board meeting attached for your approval and signature.

Any questions/issues please let me know.
Mitch

City: Washington
State: DC

I, Emily Noble DEBORD, being duly sworn on oath, make the following statement freely and voluntarily to Jeffrey SOTOSKY who has identified himself to me as a Compliance Officer, with the Agricultural Marketing Service, USDA, knowing this statement may be used in evidence.

I am an Agricultural Marketing Specialist, GS-13, Promotion, Research and Planning Division, Dairy Program, in Washington, DC. I have been assigned to the Dairy Program since June 2014 and have been employed full time with the Federal government since April 2006. I was assigned as an Agricultural Marketing Specialist, Research and Promotion Division, Livestock, Poultry and Seed Program (LPS) from April 2006 to May 2014. My direct supervisor when I was in LPS was Kenneth PAYNE, Director, Research and Promotion Program, LPS from 2006 until I left and went to the Dairy Program. I worked for Livestock and Seed before they merged with the Poultry program in 2013.

My duties and responsibilities when I was an Agricultural Marketing Specialist in LPS included providing day-to-day oversight to the Boards, including reviewing and approving the Board's budgets, contracts, advertising campaigns, and audited financial statements. I attended Board and Committee meetings, monitored Board activities, and ensured program materials were in accordance with the respective Acts and Orders. I was also responsible for facilitating the nomination process of Board members, conducting periodic management reviews, and assisting the Boards in their compliance and enforcement actions. When I started working for the Federal government I had primary oversight of the National Pork Board, as well as the American Lamb Board. I assisted with overseeing several of the programs for the Cattlemen's Beef Board. After several years, I transitioned to overseeing the United Soybean Board, while continuing to oversee the American Lamb Board. I began overseeing the American Egg Board (AEB) and the United Sorghum Checkoff Program in April 2013 after the Poultry Program merged with the Livestock and Seed program.

I attended the meetings of the AEB Executive Committee during the time period of April 2013 to May 2014, when I was overseeing the AEB program. I do not recall approximately how many AEB Meetings I attended during the time I was assigned to LPS. The AEB has different "breakout" committee meetings that occurred simultaneously. There were also Executive Committee and full Board meetings. The "breakout" committees gave verbal reports at the Executive and full Board meetings.

As part of my duties and responsibilities I was aware of the Egg Research and Consumer Information Act and Egg Research and Promotion Order, and other federal regulations concerning the purpose of the AEB and use of assessment funds. The purpose of the AEB was for the research, education, and promotion of eggs and egg products. Joanne IVY, was the President/Chief Executive Officer of AEB during the time I had oversight of the AEB.

I became aware of Josh TETRICK, Owner of Hampton Creek and his products Just Mayo and Beyond Eggs a few months ago. I learned of TETRICK, his company and his products in the media. TETRICK was not a member of the AEB. He was not nominated to be a member of the

Initials (b) (6)
Page 1 of 5

Exhibit 69
Page 1 of 5

AEB to my knowledge. I do not know if TETRICK was an egg producer. I do not know specifically what his products Beyond Eggs and Just Mayo are. I do not know if TETRICK, his company and his products were a competitor against the egg industry.

I was shown an email exchange dated December 3 and 4, 2013, between Mitch KANTER, Executive Director, Egg Nutrition Center and AEB member Karyn KREHER, Director, Food Safety and Quality Assurance, Kreher's Farm Fresh Eggs, Wayne County Eggs with the subject Minutes and an attachment titled November 2013 Board minutes. The minutes from the Nutrition Committee of the AEB dated November 7, 2013 showed I was present (partial) at their meeting that was held in Savannah, Georgia. In the minutes it was written "Kanter provided a brief update on the Beyond Eggs product as a follow up to a conversation initiated during the last committee meeting. Kanter noted that John Howeth and his team are leading this project since it is related to food production. The claims behind the Beyond Eggs product are vague and there are different ingredients for each application, making it difficult to compare functionality and cost to eggs. Murdock noted that Whole Foods in her area is using Beyond Eggs in the deli section and she has provided a sample to AEB."

I did attend this meeting in person, but partially, meaning there were three other AEB Committee meetings going on at the same time that I had to cover, so there were times I went from one meeting to another and I was not in any one committee meeting the entire time. I do not recall if I read the minutes from this meeting. I would hear the committee reports from the committee chair during the Executive Committee and full Board meetings and this is when I would have heard a recap about what occurred in the respective committee meetings.

I do not recall the information KANTER presented at this meeting. In reviewing the meeting minutes presently, the meeting minutes are vague as to what was presented. I do not recall hearing about Beyond Eggs at this meeting. From reading the meeting minutes it appears that Beyond Eggs is a competitive product to eggs. From reading the meeting minutes KANTER's presentation was related to the promotion of eggs and egg products because it says they are comparing the functionality and cost of eggs to a competitive product.

I do not recall IVY requesting in December 2013, for the AEB Executive Committee to approve a \$59,500 Beyond Egg budget request to assist with the Beyond Egg situation. I do not recall anyone from the AEB contacting me in reference to this budget request. I do not know or remember what the Beyond Egg situation was.

I was not aware IVY was in communication with Anthony ZOLEZZI, a private consultant; about blocking the sale of Just Mayo at Whole Foods. I do not recall ever hearing of the name ZOLEZZI.

I was shown an email dated January 3, 2014 from Kristin LIVERMORE, AEB, to me with the subject "For review: updated Fresh Start List with an attachment titled Fresh Start Top 5-Final.docx; AEB Social Media Calendar Jan-Feb1.2.14.docx." The email from LIVERMORE reads "Hi Emily. We did one minor add to our Fresh Start list that you approved. As I mentioned, we're hoping to put this out on Monday (1/6). I've highlighted the change in the attached document for a quick review/reference. Also, our social media editorial calendar

changed slightly due to timing. I've attached an updated version for reference. Thank you for the quick review!"

On page 4 of the Social Media Calendar Jan-Feb 1.2.14 attachment it showed on the Saturday 1.11.14 row Good Egg, Morning, GEP blog post-David Hayden (Beyond Egg Response) and GEP blog post (Beyond Eggs). The purpose of this email and attachments was for me to approve edits to their social media calendar and accompanying article titled: "Get a Fresh Start on Health in 2014". I do not recall the content of this row in the attachment. I do not recall what GEP was. I do not recall what if anything I did in response to this email and attachments. The information LIVERMORE presented in the email and attachments related to the promotion of eggs and egg products as this was their social media plan to promote eggs and egg products.

I was shown an email exchange dated January 7-9, 2014 that included emails sent to me with the subject Eggs and GMO. In an email dated January 9, 2014, I forwarded to PAYNE and SNYDER the email that included an attachment titled Just Mayo-ingredients. The purpose of these emails was an employee from the AEB, contacted Roger GLASSHOFF, LPS, AMS; requesting information on the egg industry's ability to use the term GMO-free on their egg cartons. Prior to this, I requested that the AEB "cc" me on emails they sent to other AMS employees because of my oversight responsibilities of the AEB. I believe I forwarded the email to PAYNE and SNYDER because GMO was an important topic to USDA and PAYNE and SNYDER were my supervisors. The attachment was a product specification for Just Mayo. I do not recall if I attached the Just Mayo product specification to this email or if it was part of the email chain.

The only knowledge I have of AEB trying to contact the United States Food and Drug Administration regarding the information in this email was on the email exchange dated January 7-9, 2014 that involved GLASSHOFF. Besides forwarding the emails to PAYNE and SNYDER I do not recall doing anything else.

I was shown the minutes from the Executive Committee of the AEB dated March 12, 2014 and it showed I was present during this meeting that was held at the Hilton Rosemont/Chicago O'Hare. The minutes read in part "IVY reported that the Executive Committee needed to consider carrying over the balance of the \$59,500 funds allocated for the Beyond Eggs program. A motion was made by Van Zetten, seconded by Sauder, to carry over the balance in the amount of \$46,404 to 2014. Motion was approved unanimously." I do not recall being at this meeting but the meeting minutes indicate that I was. I do not remember the information mentioned in the minutes. I do not recall what the Beyond Eggs program was so I cannot speculate as to whether or not the program related to the promotion of eggs and egg products. I do not recall if there was a Beyond Eggs program.

I was shown an email dated May 13, 2014 from Elisa MALOBERTI, Director of Egg Product Marketing, AEB; that was sent to PAYNE with the subject Egg Presentation that contained a PowerPoint presentation. On the front page of the presentation it reads "American Egg Board. An Eggsplanation of Eggs and Egg Replacers for Emily DeBord & Kenny Payne May 13, 2014." In the lower right corner of the page were the AEB name and the Incredible Edible Egg logo.

One of the pages of the presentation had Beyond Eggs that included Hampton Creek, Just Mayo and a picture of Josh TETRICK, Owner of Hampton Creek.

I do not recall seeing this presentation. This timeframe was right before I went to work for the Dairy Program, so that is probably why I wasn't included on the email. I don't know why my name is on the presentation itself, but I was still providing some oversight to the AEB at the time. In looking at the presentation it appears to be a presentation on eggs versus egg replacers (competitive products). I assume my name and PAYNE's name are on the presentation because the AEB intended to show us the presentation.

I do not recall if the AEB tried to become a member of American Association for Sauces and Dressings. I do not recall if the AEB spent checkoff funds concerning TETRICK, his company and products to include Beyond Eggs and Just Mayo.

During the time I had oversight of the AEB, I did not travel to the AEB office to conduct any type of review. The management reviews are conducted at least once every three years and SNYDER conducted the last one in early 2013, shortly before I began to oversee the AEB.

I did receive financial information from the AEB during the time I had oversight. I received their annual budget and monthly financial statements. I do not recall if I received itemized information from the AEB. As far as I know, the itemized accounts payable information is kept in the AEB office in Illinois. There were no barriers preventing me from going to the AEB in Illinois to review any documentation. The AEB's Secretary, an elected Board member, is responsible for maintaining the Board's meeting minutes. The AEB was expected to send copies of the meeting minutes to me.

The way we ensure money has been spent properly is by reviewing and approving all of the AEB budgets and program activities in advance. The AEB has a Chief Financial Officer position that handles their finances, with internal controls in place, and their finances are also reviewed by their elected Board Treasurer. The AEB is required to have an annual financial audit which I reviewed and approved. AMS also conducts management reviews of the AEB at least once every three years.

I have read this statement consisting of five pages and have been given the opportunity to make

additions or corrections. It is true, complete and correct to the best of my knowledge.

//////////////////////////////////////END OF STATEMENT//////////////////////////////////////

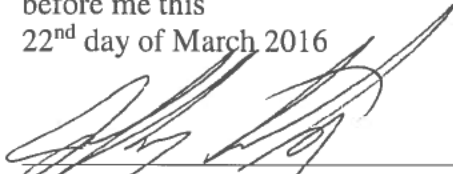
(b) (6)

Emily Noble DEBORD

3/22/16

Date

Subscribed and Sworn to
before me this
22nd day of March 2016



Jeffrey SOTOSKY
Compliance Officer
Agricultural Marketing Service
U.S. Department of Agriculture

Reynolds, Leon - AMS

From: DeBord, Emily - AMS
Sent: Tuesday, February 11, 2014 8:35 PM
To: Payne, Kenneth - AMS; Snyder, Angie - AMS; Shackelford, Craig - AMS; Brow, James - AMS; Payne, Kenneth - AMS; Snyder, Angie - AMS; Shackelford, Craig - AMS; Brow, James - AMS
Subject: Egg project-looking for feedback
Attachments: Exhibit A.PDF

The Egg Board submitted the attached Exhibit A as part of a contract. I don't have any concerns about the contract itself-it has all requirements, but the purpose is basically to conduct a comparative study of the environmental footprint of eggs, compared to other proteins, as well as egg replacers, in order to demonstrate the greater "greenness" of eggs. Do any of you have concerns about this? I am concerned that this may not be a fair or "apples to apples" comparison to let them release a report of this nature. I would greatly appreciate your thoughts...Please see the deliverables of the project as listed below:

The deliverables of the study will include an industry report as well as a peer-reviewed article(s) that describe the methods and findings regarding the environmental footprint of the production of eggs as compared to milk, broiler meat, pork, beef and plant-based egg replacers in the United States.

Thanks,
Emily

Emily DeBord
Agricultural Marketing Specialist
USDA, AMS, Livestock, Poultry and Seed Program
Research and Promotion Division
Phone: (202) 690-2611
Fax: (202) 720-1125
<http://www.ams.usda.gov/LSMarketingPrograms>



Do you really need to print this e-mail?

Exhibit 70

Page 1 of 4

Comparing the Environmental Footprint of U.S. Eggs with Other Plant and Animal Food Sources

A Research Proposal to American Egg Board by

Hongwei Xin, Professor, Director of Egg Industry Center, hxin@iastate.edu

Maro Ibarburu, Associate Scientist-Business Analyst of Egg Industry Center, maro@iastate.edu

Lesa Vold, Communications Specialist of Egg Industry Center, lvold@iastate.edu

Nathan Pelletier, Principal, Global Ecologic Environmental Consulting and Management Services,
nathanpelletier@globalecologic.com

Tong Wang, Professor, Department of Food Science and Human Nutrition, Iowa State University,
tongwang@iastate.edu

Statement of the Issue

Awareness of the environmental impacts of food choices is increasing among producers, consumers, regulators and other stakeholders. So, too, is the level of interest in comparing the environmental footprints of different food choices as a basis for reducing production and consumption-related impacts. Although researchers have published a variety of studies reporting the environmental footprints of single food products, studies comparing food products across sectors using robust and consistent methodologies are lacking.

For example, environmental footprint studies for most of the major animal production industries and a variety of agricultural crop products in the United States are already available. However, differences in methodologies between studies reported by different researchers make it almost impossible to directly compare the results across these studied systems. It is generally not advisable to draw results of studies from different researchers for comparative purposes, because differences in system boundaries and other methodological assumptions are often as important in determining study outcomes as are actual differences between the studied products. Rather, any kind of robust comparison requires that the same analytical approach and data sourcing/quality considerations be applied.

The US egg industry recently reported an environmental footprint study of national average egg production. This study showed remarkable progress in reducing the environmental footprint of egg production in the United States over a 50-year interval spanning 1960 to 2010. However, it is also of interest to compare the environmental footprint of eggs with competing animal and plant food products. Moreover, comparing on the basis of different properties such as mass, protein (or other nutritional value measures) and cost can provide valuable information for positioning and marketing egg products. For example, although eggs likely compare favorably with many animal products, it is unclear how the environmental footprint of egg production compares to that of crop-based egg replacers (such as Beyond Eggs) whose production may involve energy-intensive processing activities.

Objectives of This Study

The objectives of the proposed study are to:

- a) Compare the current environmental footprint of US egg production with the environmental footprints of other animal proteins, specifically milk, poultry, pork and beef, on a consistent methodological basis;

Exhibit 70

Page 2 of 4

Comparing Environmental Footprint of U.S. Egg Production with Other Plant and Animal Protein Sources

- b) Similarly compare the environmental footprint of US egg production with the environmental footprints of plant-based “egg replacer” products such as the new Beyond Eggs product;
- c) Report the comparisons in terms of several units of comparison, including mass, protein (or other nutritional parameters) and cost.

The resultant information will provide a robust comparison of the environmental footprint of eggs and other “competing” food products. This information will be useful for industry stakeholders in better understanding the environmental “position” of the US egg sector, and in marketing egg products. It will also support consumers in making environmentally conscious purchasing decisions.

Methodology

The Egg Industry Center (Xin, Ibarburu, Wang and Vold) will be coordinating and participating in the study. They will collaborate closely with Nathan Pelletier, an expert in life cycle assessment and environmental foot-printing of agriculture and food systems, ensuring the provision of the necessary information for carrying out the study. Pelletier has previously performed and published environmental footprint studies of U.S. broiler production (2008), commodity pork and beef production in the U.S. Midwest (2010a,b), and the recent U.S. egg industry 50-year comparison study (2014). He has also modeled dozens of crop production systems in the context of feed supply environmental management consulting work. He is regarded as one of the leading experts in the field. Xin is well versed in modern egg production systems and management, and has been working closely with egg producers on environmental and housing issues. Ibarburu is versed in economic analysis and statistics of the U.S. egg industry and has been providing statistical/economic analysis data to egg producers and allied industries. Ibarburu also was intimately involved in the 50-year study. Wang is specialized in functionality of eggs and egg products and nutritional enrichment of eggs (e.g., through dietary additives). Vold has a strong background in communications and is familiar with the US egg industry.

The team will use the recent environmental footprint of U.S. egg production (1960 vs. 2010) as the reference point for the study. Pelletier will update his previous studies for commodity beef, pork, and broiler production models (which are already methodologically similar) with respect to data currency (i.e., all background system data for the same reference year). Inventory data for US dairy production from published studies will be collected and the same standard sets of modelling protocols will be used to develop a methodologically consistent LCA model for comparison with the other commodities.

The assessment of the environmental footprint of the production of plant-based egg replacers will require the modeling of many key crops. Pelletier had already modelled a variety of relevant US crop systems, some of which would likely figure as key inputs to egg replacers (soy, flax, etc.). However, in the case of other inputs, this will require development of new ISO-compliant LCA models. Study outcomes will be communicated in a dedicated industry report, as well as a peer-reviewed research paper(s).

Specific steps for the study process include:

- (1) Update previous studies for broiler, swine and beef cattle production;
- (2) Build a LCA model for the U.S. dairy industry, using a method similar to the one used in the previous egg study;
- (3) Build LCA models for the production of plant-based egg replacers, including the production of inputs, processing, and transportation stages;

Comparing Environmental Footprint of U.S. Egg Production with Other Plant and Animal Protein Sources

- (4) Compare the environmental footprints of these products on the basis of mass, protein (or other nutritional parameters) and cost;
- (5) Produce an industry report as well as a peer-reviewed manuscript describing the methods and findings; and
- (6) Further disseminate the study information through industry-wide educational meetings (e.g., UEP area meetings, International Egg Commission Conference), professional scientific meetings, publications in trade magazines and posting on the appropriate website (e.g., the Egg Industry Center website).

Timeline

We anticipate completing the study in four (4) months from commencement of the contract.

Deliverables

The deliverables of the study will include an industry report as well as a peer-reviewed article(s) that describe the methods and findings regarding the environmental footprint of the production of eggs as compared to milk, broiler meat, pork, beef and plant-based egg replacers in the United States.

Budget

We are requesting **\$75,048** to cover the following direct expenses:

Pelletier:	\$47,000	(a) Data compilation, quality assurance and analysis (including updating inventory data for existing models to a current reference year, and collecting data for new input supply chains) (25 days), (b) model updates and new model construction, impact assessment and interpretation (17 days), (c) development of report and associated peer-reviewed article (5 days) at \$1,000 per day.
Wang:	\$ 7,246	Responsible for identification of plant components in the egg replacers (2-week summary salary support).
Xin:	\$11,102	Project oversight, contributing author for report preparation and development of peer-reviewed manuscript, and time/effort associated with dissemination of the study findings (2-week summer salary support).
Travels:	\$ 4,000	Presentation of results at industry (AEB, UEP and possibly IEC) educational workshops or annual conferences.
Report Printing:	\$ 5,700	Production of color copies of the final report (estimated at \$7 per copy x 600 copies) + graphics designer's time (\$1,500)

Reynolds, Leon - AMS

From: Snyder, Angie - AMS
Sent: Thursday, May 29, 2014 1:45 PM
To: DeBord, Emily - AMS; DeBord, Emily - AMS
Subject: RE: quick question

Emily, I agree with your assessment.

Angie Snyder

Angie Snyder, Deputy Director
Research & Promotion Division
Livestock, Poultry & Seed Program, AMS, USDA
202.680.3714
angie.snyder@ams.usda.gov

From: DeBord, Emily - AMS
Sent: Thursday, May 29, 2014 12:44 PM
To: Snyder, Angie - AMS
Subject: quick question

Hi Angie,

AEB did decide to move forward with the second study listed below. As we have discussed our concerns and possible limitations they may have with materials reporting outcomes of this study, I am inclined to remove everything after the first paragraph in the materials we send to the Secretary...Do you agree or do you have any thoughts?

Thanks,
Emily

From: Joanne Ivy [<mailto:JIvy@aeb.org>]
Sent: Thursday, May 29, 2014 12:26 PM
To: DeBord, Emily - AMS
Subject: RE: Climate/Environmental Projects

Here you go:

2013 50-Year Life Cycle Assessment and Environmental Footprint Study

The egg industry has reduced its environmental footprint while increasing egg production in the past 50 years, according to a research study now approved for publication.

The study, conducted by the Egg Industry Center, used a lifecycle analysis of U.S. egg production from 1960-2010 to evaluate environmental performance measures for the complete egg production lifecycle, from crops to hens to the farm gate.

The study highlighted improved feed efficiency, combined with more efficient grain production and manure management.

This study was launched on **Monday, October 28** with an electronic press kit that included:

- 1) Press release
- 2) Fact sheet
- 3) Infographic highlighting findings of the study

2014 Comparative Environmental Study (due June 15, 2014)

In 2014, the American Egg Board has commissioned the Egg Industry Center to conduct a follow up environmental study that will compare the environmental footprint of U.S. eggs with other plant and animal food sources.

The findings from this type of research would be important to have to address egg replacers as well as highlighting that egg production will have a lower footprint compared to a laboratory-created egg products such as Beyond Eggs and other plant-based egg replacers as well as other animal proteins.

The study began on February 15 and is scheduled to be completed by June 30, 2014.

Joanne C. Ivy, CAE | *President & CEO*
American Egg Board
O 847.296.7043 | D 224.563.3701 | C 847.606.3166
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
IncredibleEgg.org AEB.org



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From: DeBord, Emily - AMS [<mailto:Emily.DeBord@ams.usda.gov>]
Sent: Thursday, May 29, 2014 10:05 AM
To: Joanne Ivy
Subject: RE: Climate/Environmental Projects
Importance: High

Hi Joanne,

I just wanted to ensure you received this request... We need this by early afternoon today. Thanks again!

Thanks,
Emily

From: DeBord, Emily - AMS
Sent: Wednesday, May 28, 2014 3:54 PM
To: Joanne Ivy (JIvy@aeb.org); Florentino Lopez (florentino@sorghumcheckoff.com); Laura Kelley (laura@sorghumcheckoff.com); megan@americanlambboard.org
Subject: Climate/Environmental Projects
Importance: High

Hi all,

Exhibit 71

Page 2 of 3

First, thank you all so much for your swift replies to the information request for youth programs.

We have now been asked by the Secretary's office to compile a list of all climate/environmental projects being conducted/sponsored by or partnered with all the R&P boards. I really apologize for the quick turnaround, but we received this request a few minutes ago and are asked to provide it tomorrow, so I need this information from you by noon EDT tomorrow. Right now the information we need includes: title of the project and a brief summary of the activity. No budget information is needed at this time.

Again, I apologize for the short notice and really appreciate your help with this!

Thanks,
Emily

Emily DeBord
Agricultural Marketing Specialist
USDA, AMS, Livestock, Poultry and Seed Program
Research and Promotion Division
Phone: (202) 690-2611
Fax: (202) 720-1125
<http://www.ams.usda.gov/LSMarketingPrograms>



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Exhibit 71

Page 3 of 3

Reynolds, Leon - AMS

From: Kevin Burkum <KBurkum@aeb.org>
Sent: Friday, July 10, 2015 12:14 PM
To: Joanne Ivy; Joanne Ivy
Subject: RE: Hampton Creek Signs on Kathleen Sebelius

Got it, thanks.

Kevin Burkum | *Senior Vice President*

American Egg Board

O 847.296.7043 | D 224.563.3702 | F 847.296.7007
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From: Joanne Ivy
Sent: Friday, July 10, 2015 11:07 AM
To: Kevin Burkum
Subject: Re: Hampton Creek Signs on Kathleen Sebelius

I am applying my interpretation. I also know from reviewing what was sent regarding the last HC request, not everyone was saving all emails. I would get a thread and others did not include their copy. I had the most emails, but I never kept incidental emails so I am just considering these emails chatter, thoughts, nonbusiness. I left the email that John sent that was informational without the thread.

This will continue to be a delicate issue, so we need to discuss with staff -- and then with our agencies. We will do this after Board Meeting. Joanne

Sent from my iPhone

On Jul 10, 2015, at 11:47 AM, Kevin Burkum <KBurkum@aeb.org> wrote:

But isn't it policy to keep emails for a year?

Kevin Burkum | *Senior Vice President*

American Egg Board

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From: Joanne Ivy
Sent: Friday, July 10, 2015 10:46 AM
To: Kevin Burkum; Maher, Missy; Mia Roberts; Mitch Kanter; John Howeth; leslie.humbel@edelman.com; Liuzzi, Andrew (Andrew.Liuzzi@edelman.com); pamela.vonlehmden@edelman.com; Serena Schaffner
Subject: Re: Hampton Creek Signs on Kathleen Sebelius

Once you respond to anything on Hampton Creek, please delete your emails. I have already deleted my emails and deleted my trash. And, I will delete this one as well. Joanne

Joanne C. Ivy, CAE | *President & CEO*
American Egg Board
O 847.296.7043 | D 224.563.3701 | C 847.606.3166
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068

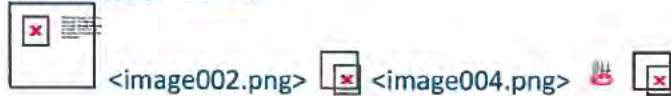
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From: Kevin Burkum
Sent: Friday, July 10, 2015 10:04 AM
To: Mitch Kanter; Joanne Ivy
Cc: Humbel, Leslie; John Howeth; Mia Roberts; Serena Schaffner; Maher, Missy; Von Lehmden, Pamela; Liuzzi, Andrew; Coldagelli, Matthew; Waltz, Allison; Burch, Kellie; Englert, Jenny; Powell, Shannon; Hayes, Katie; Wilk, Kristen
Subject: RE: Hampton Creek Signs on Kathleen Sebelius

Should we take the conversation offline before we have to provide copies of this correspondence?

Kevin Burkum | *Senior Vice President*
American Egg Board
O 847.296.7043 | D 224.563.3702 | F 847.296.7007
PO Box 738, 1460 Renaissance Drive, Park Ridge, IL 60068
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From: Mitch Kanter
Sent: Friday, July 10, 2015 9:56 AM
To: Joanne Ivy
Cc: Humbel, Leslie; John Howeth; Kevin Burkum; Mia Roberts; Serena Schaffner; Maher, Missy; Von Lehmden, Pamela; Liuzzi, Andrew; Coldagelli, Matthew; Waltz, Allison; Burch, Kellie; Englert, Jenny; Powell, Shannon; Hayes, Katie; Wilk, Kristen
Subject: RE: Hampton Creek Signs on Kathleen Sebelius

Sounds good. Thanks.

From: Joanne Ivy
Sent: Friday, July 10, 2015 9:55 AM
To: Mitch Kanter
Cc: Humbel, Leslie; John Howeth; Kevin Burkum; Mia Roberts; Serena Schaffner; Maher, Missy; Von Lehmden, Pamela; Liuzzi, Andrew; Coldagelli, Matthew; Waltz, Allison; Burch, Kellie; Englert, Jenny;

Powell, Shannon; Hayes, Katie; Wilk, Kristen
Subject: Re: Hampton Creek Signs on Kathleen Sebelius

Mitch: I will let John answer that.

They just get a lot more marketing advantage because "of the company they keep."

From what I have heard, it is not a great egg replacer, so hopefully manufacturers will not use Beyond Eggs because they still want a good quality product. I guess it works fine in mayo! But Hellman's is into real eggs (cage free). I feel sure they are continuing their perfect their formulations. Joanne

Sent from my iPhone

On Jul 10, 2015, at 10:46 AM, Mitch Kanter <MKanter@eggnutritioncenter.org> wrote:

Do we have any intel on their product? Do they have a product that is superior to other egg replacers? Or a whole egg? Because if and until they do they can make these legislative moves but people by products, not legislation. Is their product superior to others?

From: Joanne Ivy
Sent: Friday, July 10, 2015 9:39 AM
To: Humbel, Leslie
Cc: John Howeth; Kevin Burkum; Mia Roberts; Mitch Kanter; Serena Schaffner; Maher, Missy; Von Lehmden, Pamela; Liuzzi, Andrew; Coldagelli, Matthew; Waltz, Allison; Burch, Kellie; Englert, Jenny; Powell, Shannon; Hayes, Katie; Wilk, Kristen
Subject: Re: Hampton Creek Signs on Kathleen Sebelius

Wow, I would say they are definitely getting more aggressive. They are making some smart moves. Yes Andy, I would've interested in your thoughts. Joanne

Sent from my iPhone

On Jul 10, 2015, at 10:28 AM, Humbel, Leslie <Leslie.Humbel@edelman.com> wrote:

Hi all,

We wanted to flag the below brief from Politico reporting that Hampton Creek has signed on as an advisor Kathleen Sebelius (former Secretary of U.S. Health and Human Services). This follows its move last month when they hired a lobbying agency last month, and further entrenches the company into the world of policy. Josh Tetrick is quoted. We know that this start-up is well-funded and, as noted, below is "capitalizing on the devastating avian influenza outbreak."

Andy, as we see the company get more aggressive, what are your thoughts?

Please feel free to reach out with any questions.

Best,

Leslie

+++++

Politico

Sebelius To Advise Hampton Creek

By Helena Bottemiller Evich (with Jenny Hopkinson and Bill Tomson)

July 10, 2015

Kathleen Sebelius, the former governor of Kansas who served as Obama's Health and Human Services secretary for five years, has signed on as an adviser to Hampton Creek, the company tells MA.

The move comes as the rapidly growing San Francisco startup, which makes plant-based mayo, cookies and egg-replacement products, is becoming more engaged in policy. Hampton Creek CEO Josh Tetrick was on Capitol Hill on Thursday for his first series of meetings with lawmakers with Heather Podesta + Partners, the lobbying firm the company hired last month. It's a novel play for a young food company, as most in the space tend to eschew D.C. and focus solely on changing the marketplace.

"What I know is we can't change the food system in the most fundamental of ways unless policy leaders are with us - we can change it, but we can change it faster and in a more dramatic way if leaders are also behind it," said Tetrick, who told MA he might be making quarterly trips to Washington to engage on rethinking food and farm policy. "I couldn't be a more fervent believer in capitalism's ability to do positive things, but it can do even more positive things if policies are actually supporting it."

In case you missed it, the company has been in the press recently for capitalizing on the devastating avian influenza outbreak. Last month, Inc. called avian flu "the best thing that ever happened" to the startup: <http://bit.ly/1LOneOM>

Reynolds, Leon - AMS

From: John Howeth <JHoweth@aeb.org>
Sent: Wednesday, August 05, 2015 8:09 AM
To: 'Nancy Harmel'
Cc: Terry Schroff; John Howeth; John Howeth
Subject: Some Clarification

I do want to include HC in the list but I did not want to call them out. Please note the initials, that's the way we're communicating about them. Think Freedom of Information Act.

John Howeth | *Senior Vice President of Foodservice & Egg Product Marketing*

American Egg Board

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