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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200575
Party	Defendant Kenneth B. Wiesen
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Submission	Opposition/Response to Motion
Filer's Name	Kenneth Wiesen
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Signature	/Kenneth Wiesen/
Date	08/27/2013
Attachments	Opposition to motion 91200575.pdf(1733592 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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HERSHEY CHOCOLATE & CONFECTIONARY CORPORATION and THE HERSHEY COMPANY,

Opposers,

v.

Opposition No. 91200575

KENNETH B. WIESEN,

Applicant.

----------x

APPLICANT'S OPPOSITION TO
OPPOSER'S MOTION FOR SUMMARY JUDGEMENT

FACTS

Applicant is an individual who is in the business of the reintroduction of defunct candy brands. These revivals are not investment ventures but are grass roots return of candy products as they were for those who appreciate and yearn for the way it was. Applicant submitted a trademark application for Milkshake (serial no. 85/221, 585) on January 19, 2011 for "candy; candy bars; candy with caramel; candy with cocoa; chocolate candies" and the trademark application for Milk Shake, two separate words (serial no. 85/210,942) on January 5, 2011 for "candy; candy bars." Applicant's sole intent and purposes for filing the mark was to reintroduce a long defunct and iconic candy bar labeled and known as Milkshake. This candy bar "Milkshake" had acquired a distinctiveness in the public and candy industry between the years 1927 and 1996 as a malted milk (nougat), caramel, chocolate or compound coated candy bar. It bore the name Milkshake across the entire label of the candy bar. The mark for this candy bar, 1273766, was originally filed in

1927 and continued to be renewed until the mid-1990s. The candy bar, although there were minor changes to the label, always bore the distinct title Milkshake which was not only dominant on the wrapper but covered the entirety of the wrapper. It is without debate that this term "Milkshake" was distinct as referencing a chocolate compound coated candy bar that had been in the industry continuously for almost seventy years.

The Milkshake candy bar described above was exclusively and continuously produced by Leaf, Inc. and Hollywood Candy Company. Opposers never manufactured a Milkshake candy bar despite purchasing Leaf and Hollywood in or about 1996. Opposers' only connection with the Milkshake term is that they became predecessor in interest to the trademarks 1273766 and 1669640, which were owned by the companies they bought. Opposer's have no history with any Milkshake product placed in the stream of commerce except for the claimed common law use of the term "Milkshake" as it appeared on select Kit Kat or Whoppers candy labels.

Registered marks 1273766 and 1669640 do not establish Opposers history with Milkshake products but rather offers some insight into the tortuous claim of use of the Milkshake mark. When Applicant began his venture of reintroduction of the Milkshake Candy Bar, depicted above, he realized that Opposer had abandoned the mark as far back as 1996 when they took over the predecessor companies who owned the marks and actually produced the Milkshake candy bar. When Applicant filed a cancellation proceeding against Hershey for these marks 1273766 and 1669640 Hershey voluntarily abandoned their rights to the marks rather than oppose the cancelation proceeding. It is fair argument that this Board should consider why Opposer would need to withdraw their ownership of the marks if in fact they had a legitimate use of the mark in commerce as they claim here now. Opposers shy away from this area because their withdrawal of

these marks belies their arguments presented here. Hershey voluntarily withdrew from these marks when Applicant filed cancellation proceedings against them claiming that they had abandoned such marks.

Opposers argue that Hershey has used the term "Milkshake" in commerce. There is no contention that Opposers have not used the term Milkshake periodically between 2005 and present on a number of its Whoppers and Kit Kat branded candy wrappers. However, contrary to Opposer's contention, it is Applicant's position that the term MILKSHAKE is merely descriptive of a flavor or characteristic of the Whoppers or Kit Kat candies and nothing more.

Opposers do not claim that they have any rights to the Milkshake mark as registered owners but rather their argument is based, solely upon a claim of common law use of a mark.

LEGAL STANDARDS

It is axiomatic that the Board should not grant summary judgment when Movant has failed to meet its initial burden of demonstrating with evidentiary facts that there is no genuine dispute as to any material fact. As demonstrated below, although Opposers offer a voluminous and well-packaged motion for summary judgment the evidentiary support submitted with the motion does not sufficiently establish the lack of a genuine issue of material fact and therefore, it is respectfully submitted, the burden should not shift to Applicant to come forward with opposing evidence. Despite this dispositive insufficiency of Opposers' motion, Applicant will nevertheless offer evidence which, at the very least, demonstrates serious issue of material fact warranting a denial of this motion.

It is additionally pointed out that Opposer has cherry picked from the record only submitting a few pieces of evidence.

ARGUMENT:

A. DECLARATION OF KINDELWATER OFFERS TO PROBATIVE EVIDENCE

Other than Opposers' counsel, Opposers only a few pieces of evidence to support its motion for summary judgment. The first piece of evidence is a declaration of, Craig Kindelwater, the Global Licensing Manager and previous Brand Manager at the Hershey Company. Notably, the two-page declaration of Mr. Kindelwater never offers any statement, let alone support, for the claim that the term "Milkshake" was anything other than a flavor-identifier on the Whoppers, Whoppers Robin Egg and Kit Kat branded products. Although Mr. Kindelwater cleverly uses the self-serving term, referring to Milkshake, as "MILKSHAKE-branded candy products", he fails to offers any statement or support for the Opposers Counsels claim that Milkshaket was in fact a "branded product", rather than simply a flavor-identifier or a description of a characteristic of the well-known and trademarked products "Whoppers" and "Kit Kat". Although Mr. Kindelwater talks about extraordinary volume of sales for these Whopper and Kit Kat candies, there is no reference whatsoever to the connection between the term Milkshake on the Kit Kat and Whopper candies and the volume of sales. Clearly, Opposers try to tie in its successful sales of various flavored Whoppers and KitKat candies with the term Milkshake in order to impress this Board that the term Milkshake has acquired distinctiveness in the market as the identifier for the Hershey KitKat and Whoppers products rather than simply a flavor identifier. In fact nothing offered in Mr. Kindelwater's declaration states anything probative or offers evidentiary support of Opposers' Counsels claims.

This term/phrase "branded candy" is used throughout the motion clearly in an attempt to create an impression of a brand rather than a simple term used to identify the flavor, taste or characteristic of the candy which is clearly branded as KitKat or Whoppers.

B. REPORT OF GEOFFREY NUNBERG IS CONTRADICTED BY EVIDENCE

The second item of proof offered by Opposers is captioned as "Expert Report of Jeffrey Numberg." Mr. Numberg, who has an excellent curriculum vitae as a linguist, spins a 21-page report full of highly questionable opinions on matters which do not require the "expert" opinion or interpretation of a linguist. Mr. Numberg's report is nothing more than a clever attempt to repackage pure argument into a claim of scientific evidence. While lengthy and multifaceted the "Report" is nothing more than a long winded argument that attempts to substitute the opinion of the "expert" with the facts (which directly contradict the opinion) and with consideration of common sense interpretation as to how the mark, as used here, would be viewed by the consumer.

Despite the fact that Mr. Nunberg's report consists of 21 pages with references to the dictionary, there are no consumer polling and no reference to the various pieces of evidence already exchanged in the discovery process. The reason for this obvious failure is not from lack of funds or time but rather such use would defy Mr. Nunberg's opinions. A careful examination of Mr. Nunberg's "report" shows how it is nothing more than a tool to try to spin unsupported opinion into scientific evidence. Mr. Nunberg who is apparently a linguist by trade and although while admits to having no legal experience or background or candy industry experience or background nevertheless presents legal argument and confectionary argument as if he is setting for an expert position based upon evidence and evidentiary support. Pages 3-5 set forth legal argument. Pages 5-7 & 11 are saturated with statements about candy and the confectionery industry.

These statements, as with almost all the statements made by Mr. Nunberg boldly take a position but offer very little if no evidentiary support at all for the positions taken. For example, Mr. Nunberg states in paragraph 30 of his report:

> "… there is no precise mapping from whatever sensory impression of a liquid is conveyed by *milkshake* and the mouth feels of a range of solid food products… the mouth feel of a Three Musketeers or Milky Way bar, which are manifestly distinct both from each other and from the mouth feel of either varieties of Whoppers candy or Kit Kat bar…And whatever mouth feel *milkshake* evokes when attached to a Kit Kat bar, say, will necessarily be wholly distinct from the mouth feel of a Nabisco Oreo cookie, a Kellog's Pop-Tart or a Quaker's Chewy Granola Bar…

Mr. Nunberg tries to tie his report to some connection with the facts at hand by adding a section to his "report" entitled **"Consumer Perception of Milkshake".** A close examination of this section only serves to underscore the sheer lack of evidentiary support for the position and statements taken in the "report". Mr. Nuberg not only fails to talk about the wrappers in question and how the use of the term Milkshake is or even maybe viewed by consumers but rather he talks about the term in the abstract. Mr. Nunberg makes short shrift of this section and sums up that a search in Google only turned up a few hits on "Milkshake flavored candy". One must ask why Mr. Nunberg failed to search "Milkshake Whoppers" or "Milkshake Kit Kat" or Strawberry Milkshake Kit Kat" or "Strawberry flavored Whoppers" or any of the other numerous varieties of Milkshake Kitkats or Whoppers.

A search of Strawberry Milkshake Whoppers in Google turned up a mere 63,500 results. On the first page of the results an entry read in part:

> Back when I could eat all the dairy I wanted, I loved milkshakes. Thick, chunky milkshakes with lots of malted milk in them. I prefered chocolate shakes, but my second favorite was strawberry. There's something about the creaminess of ice cream and the fresh taste of strawberries and then that extra dark kick of malt that got my tastebuds-a-tingling. But I admit that I didn't just swoop into the nearest store and pick up

the new **Whoppers Strawberry Milkshake"**
http://www.candyblog.net/blog/item/whoppers_milkshake_strawberry

The next entry dated January 30, 2012 on the same first page of the Google results entitled: read in part:

> Whoppers are normally malted milk balls covered with a chocolate-flavored coating produced by The Hershey Company. They normally come in a milk carton, as seen above, and when you shake the box it's loud. This incarnation of the Whopper is strawberry milkshake flavored instead of chocolate. Strawberry milkshake flavored!! HOW CAN THESE BE BAD??
> http://junkfoodguy.com/2012/01/30/classic-junk-food-strawberry-milkshake-whoppers-awkward-mondays-hot-clueless-girls-for-everyone-to-see-a-rosetta-stone-story/

The next entry dated January 14, 2009 on the first page of the Google results entitled "Strawberry Milkshake Whoppers: Product Review - Yahoo! Voices ... read in part:

> I was never too fond of the original Whopper candies, but I am always in the mood for trying new types of foods and products. So, I was at the grocery store yesterday, and I was standing at the checkout counter and I saw these Strawberry Milkshake Whoppers sitting right next to the rest of the candy. I decided to give this product a try, because I am a huge fan of Strawberry Milkshakes, so I thought the flavor would be awesome. Also, I recently tried another new flavor of Whopper candy, which were the Reese's Peanut Butter flavored Whoppers, and those were very delicious. So, I figured since the Hershey Company did a good job with the Reese's flavored Whoppers, so then they should also do a great job with the Strawberry Milkshake version of Whoppers.
> http://voices.yahoo.com/strawberry-milkshake-whoppers-product-review-1513169.html

The next entry dated January 19, 2008 also on the very first page of the Google results for a search under "Strawberry Milkshake Whoppers" entitled Strawberry Milkshake Whoppers? read in part:

> Strawberry Milkshake Whoppers?So today I was in the mall when I saw Strawberry Milkshake flavored whoppers being displayed outside of Bath & Body Works. I bought a box, and they were SO NASTY. I thought they tasted like chunks of 2% milk with a hint of perfume.
> Has anyone else experienced them... and did you like them?
> **http://answers.yahoo.com/question/index?qid=20080619153703AAaRwFm**

Typing in the term "Strawberry Milkshake Kit Kat" into Google at the time of the preparation of this opposition turns up 821,000 results. On the first page the entry dated January 30, 2008 entitled : Whoppers Milkshake Strawberry - Candy Blog read in part:

> However there is no doubting this will taste of strawberries since the smell is overpowering. Actually it smells less like a strawberry than it does a strawberry milkshake, specifically a burger king strawberry milkshake.
>
> I may have mentioned this before but I have boycotted Burger King and McDonalds for life due to their business practises that I have no desire to support. This is pretty easy for me since I'm not a huge fan of their food. I am however in love with their strawberry milkshakes, they don't taste quite like strawberries and they have a texture milkshakes should not have (I know they use potato as a thickener and that's what probably does it) but there's something just divine about them. The smell of this Kit-Kat is giving me a serious nostalgia trip and wearing down my resistance. If I don't finish this review quickly I may have to get myself to a McD's ASAP.
> http://www.candyblog.net/blog/item/whoppers_milkshake_strawberry

Clearly this type of cherry picking by a person holding themselves out as an expert is not only misleading but should be the basis for disregarding the entirety of the report. Here again the facts belie the opinion of the supposed expert.

When it comes down to it Mr. Nunberg's report sums up that only classic flavors such as vanilla and cherry are merely distinctive and non classic flavors such as "milkshake" or bacon or pina colada or earwax can transmit to a consumer an immediate indication of the taste or flavor of a candy product. Mr. Nunberg clearly has not read Harry Potter nor seen any of the flavored jelly beans that were an outcrop of the Harry potter phenomena. While the term "earwax" would not

immediately convey the flavor of a food product in the abstract the way it is displayed on a wrapper of a product may very well fall into that category. As demonstrated in the attached Exhibit 1 hundreds of nontraditional terms are being used to identify flavors and tastes of products, such as Thanksgiving Gumballs, Fernch Toast Chocolate Bar, Roast Beef Gum Balls and Bacon Beans . This is what Mr. Nunberg completely side steps. Rather than examine the wrapper in question with the distinct imagery color, design, use and location of the term, Mr. Nunberg takes the term out of its context, examines it in the general abstract and then renders conclusions which are favorable to the opposition.

The last section of Mr. Nunberg's report he offers a section called, 'Social Connotations of "Milkshake". This section offers cherry picked historical imagery of milkshake drinks and thus opines that do to this historical imagery the term milkshake in all cases is "suggestive". Mr. Nunberg again misses the point. Despite regurgitating legal president on page 4 of his report which states that, "Mccarthy has advised that, when determining whether a mark is "merely descriptive," one must not consider the mark in a vacuum, but rather, assess the descriptiveness of the mark in the context of the goods or services for which the registration is sought", Mr. Nunberg does exactly that. He examines the term in a vacuum by taking it off of the wrapper on which it is offered. The fact of the matter is that many candy products offer traditional drink terms to identify flavors or tastes of the candy product. Exhibit 2 demonstrates a number of these products. The first one is Opposers very own product, IceBreakers Raspberry Lemonade, Icebreakers Lemonade Limonade and Ice Breakerws Iced Tea are examples. These Opposer Products alone fly directly opposite what their expert claims. Also a part of Exhibit 2 is Rootbeer Float, Ice Chips Stawberry Daiquiri, Soda Pop Candy, Pina colada Patties, Cocktail Cosmos and Life Savers Gummies Fruit Drink

Flavors.

EXAMINATION OF THE WRAPPERS

An examination of Opposers wrappers speaks a thousand words. Common sense demonstrates by simply looking at these wrappers that the term Milshake was and is nothing more than a mere description of the flavor of the iconic Kit Kat and Whoppers Wrappers, see Exhibit 3.[1]

Opposers' Counsel continues with the argument that even if the term "milkshake" as used on the wrappers is "Merely Distinctive" it has acquired Distinctiveness. Although Opposers' counsel sets forth the legal proposition for acquiring distinctiveness he offers no evidentiary proof t5o support such proposition.

Lastly Opposer's counsel's claims that there is a clear likelihood of confusion is simply without merit. If the term milkshake is a flavor or taste indication on the iconic Kit JKat or Whoppers candy products the return of a historic chocolate bar boldly titled Milkshake will not cause any confusion.

CONCLUSION

For all of the reasons set foth above, and based upon the inadequacy of the motion papers it is respectfully submitted that there exists genuine and material issues of fact that require the denial of Opposers' motion for summary judgment.

/s/ Kenneth Wiesen
Kenneth Wiesen
Applicant
1 Old Country Road suite 360-B
Carle Place, New York 11514
516-835-1500

Certificate Of Service

I certify that on August 26, 2013, I caused the foregoing APPLICANT'S OPPOSITION to be served by email and by U.S. first class mail, postage paid upon the following correspondent of record for Opposer:

Paul c. Llewellyn Kaye, Scholer LLP, 425 Park Ave New York 10022 and
John Rynkiewicz Kaye Scholer LLP 901 Fifteenth Street NW Washington, DC 20005

/s/ Kenneth Wiesen

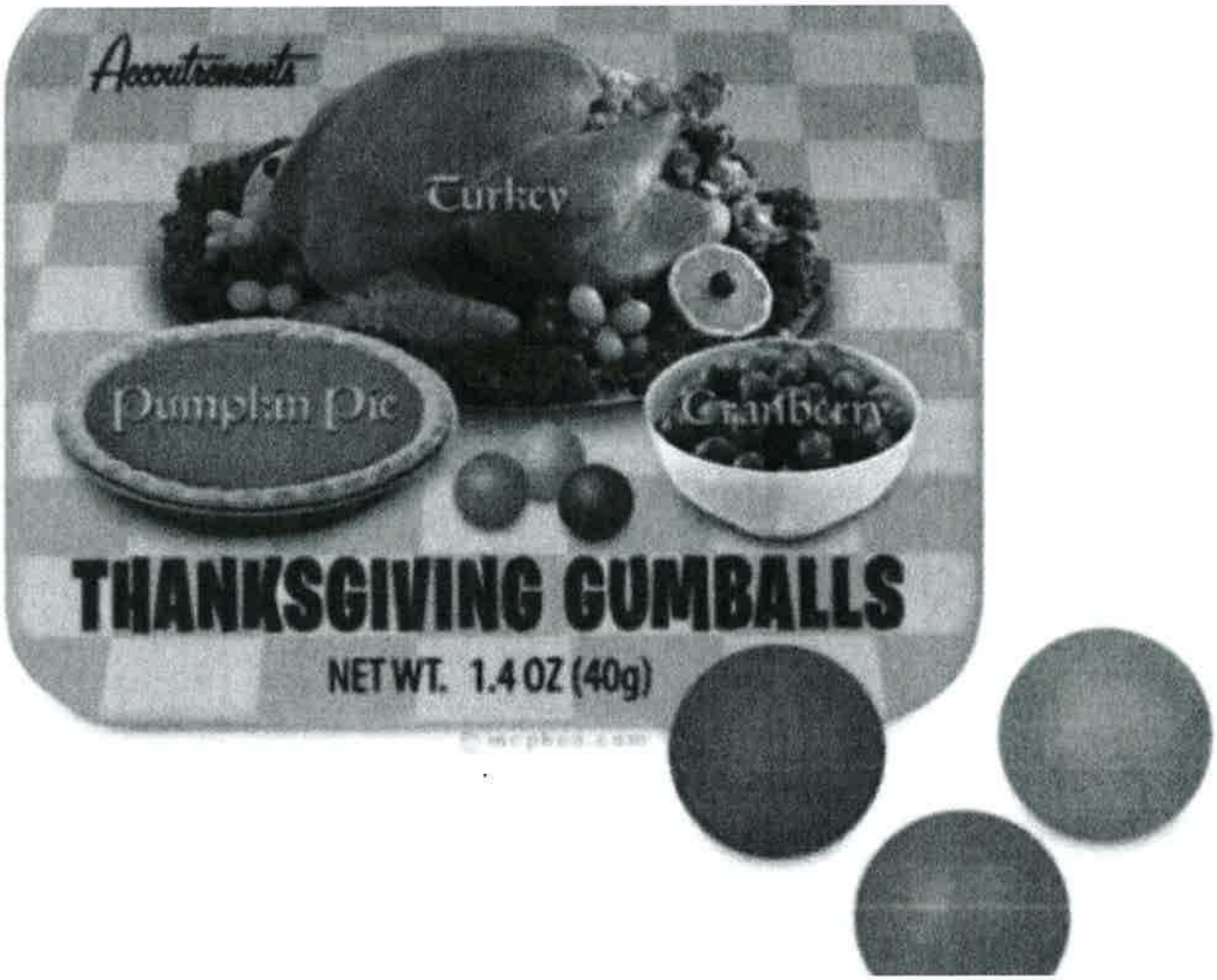
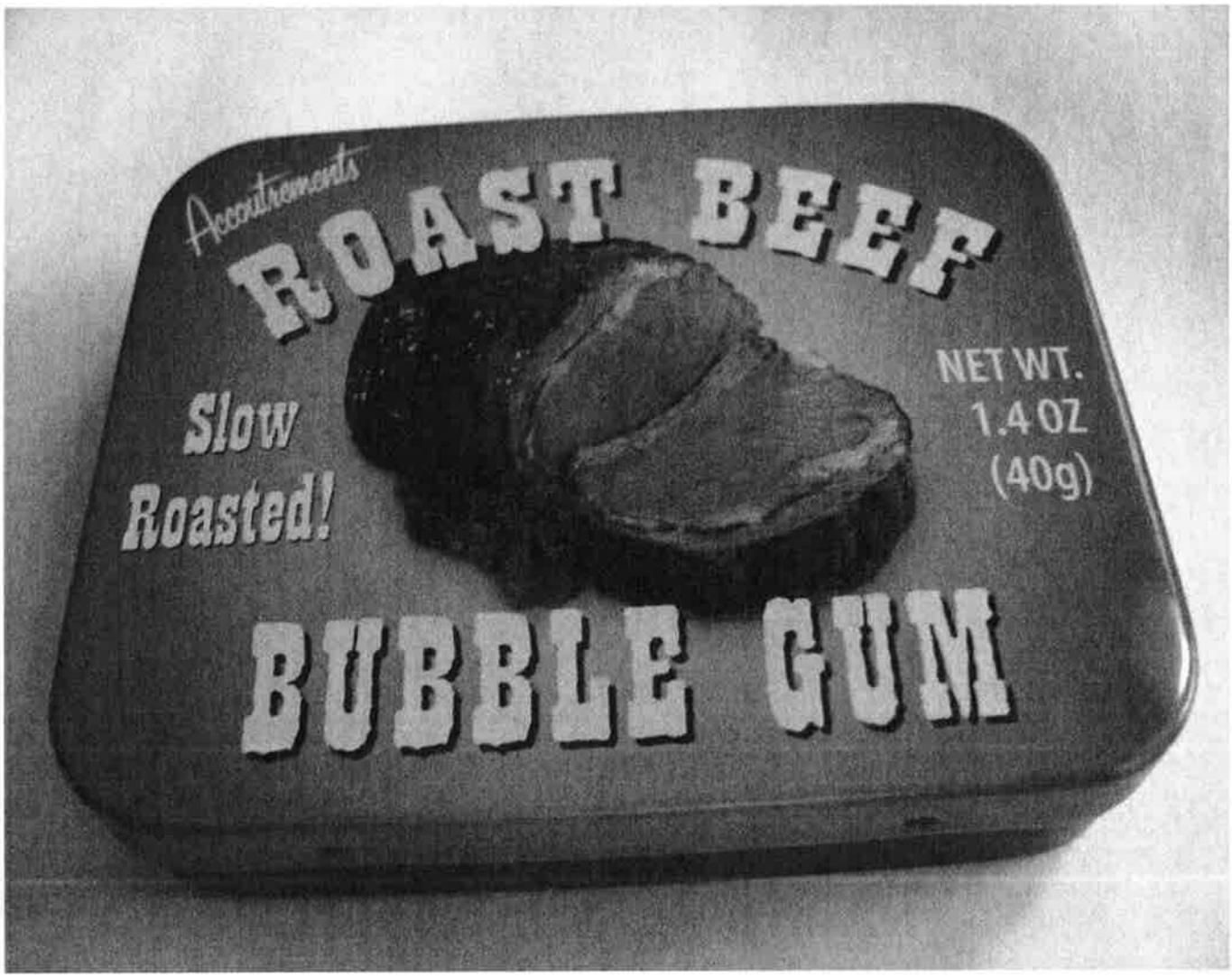

Accoutrements
Turkey
Pumpkin Pie
Cranberry
THANKSGIVING GUMBALLS
NET WT. 1.4 OZ (40g)

EXHIBIT I


RAMEN
NOODLE
KOMFORTE
CHOCKOLATES
net wt.70g / 2.5 oz


FRENCH
TOAST
Crunchy, savory french toast mixed into rich, premium milk chocolate. All Komforte Chocolates are made in small batches of artisan quality and natural ingredients. For more information on Komforte, please visit us at: komfortechocolates.com
KOMFORTE
CHOCKOLATES
net wt.70g / 2.5 oz


TORTILLA
LIME + SALT
KOMFORTE
CHOCKOLATES
net wt.70g / 2.5 oz


Accoutrements
ROAST BEEF
Slow Roasted!
NET WT.
1.4 OZ
(40g)
BUBBLE GUM

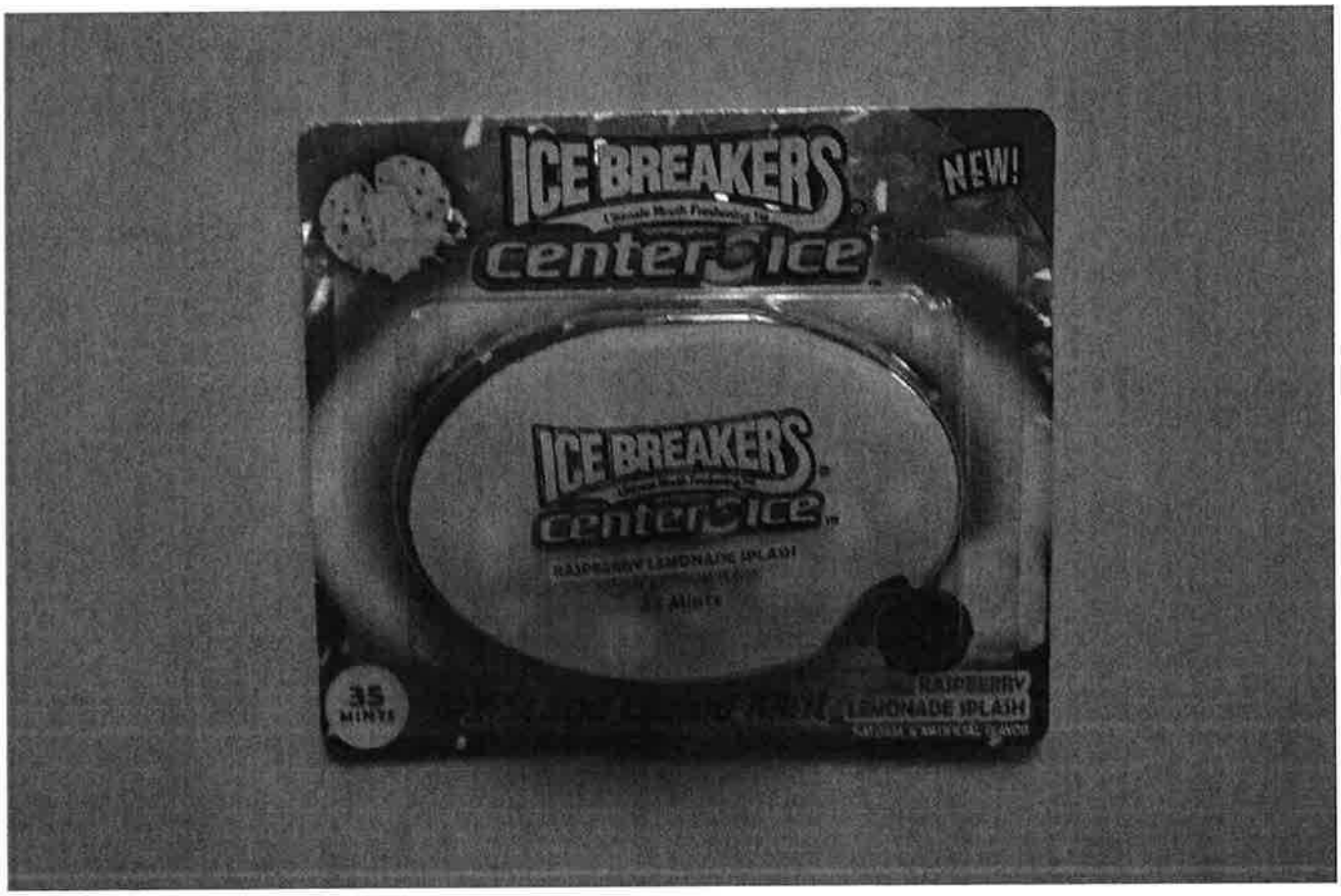

BACON BEANS
Bacon Flavored Jelly Beans
40 COUNT


Necco
Banana
Split
Candy
Chews


Banana
Split

Exhibit II

VI


ICE BREAKERS
NEW!
center ice
ICE BREAKERS
center ice
35 MINTS
RASPBERRY
LEMONADE SPLASH


to share
SUGAR-FREE
mints
ICE BREAKERS
Ultimate Mouth Freshening
NATURAL FLAVOR
Iced Tea
Lemon
ARTIFICIAL FLAVOR
NET WT 1.5 OZ (42 g)
not to share
candyaddict.com


Root
Beer
FLOAT
Taffy
DeLaMare
CANDY


NEW
WRIGLEY'S
Extra
Dessert Delights
SUGARFREE GUM
Root Beer Float
ARTIFICIALLY FLAVORED
15 STICKS


Strawberry Daiquiri
Naturally Sweetened with Xylitol
ICE CHIPS™
Hand-Crafted Candy
Strawberry & Lime
Strawberry Daiquiri
Beneficial to Teeth
Recommended for Diabetics
50 gr/1.76oz

X


Crash
Sprint
Loca Cola
Splash
SODA POP
fizzy Candy
Loca Cola
Crash
Sprint
Loca Cola
Splash
SODA POP
fizzy Candy


NEW!
LIFESAVERS
CANDY
GUMMIES
COOLERS
FRUIT DRINK FLAVORS
CHERRY LIMEADE • RASPBERRY ICED TEA • FRUIT PUNCH
BLUE RASPBERRY SLUSHY • WATERMELON BREEZE
130


Creamy
ANASTASIA'S
CONFECTIONS
Premium Quality
PINA COLADA
Coconut Patties
Net Wt. 2.7 oz (75g)


COCKTAIL CANDY
CRANBERRY COSMOS


Naturally Sweetened with Xylitol
ICE CHIPS®
Hand-Crafted Candy
EGG NOG
Beneficial to Teeth
Recommended for Diabetics
50 gr/1.76oz

XV


LIMITED EDITION
KitKat
Orange & Creme
NET WT


LIMITED EDITION
KitKat
Mint


KitKat
White Chocolate
NET WT


LIMITED EDITION
KitKat
MilkShake
NET WT


LIMITED EDITION
KitKat
Coffee


KitKat
Chocolate Mocha
Naturally and Artificially Flavored


KitKat
Crisp Wafers


KitKat
DARK
Crisp Wafers in Dark Chocolate

EXHIBIT 3

Products

products by category

- chocolate candy
- sugar confectionery
- gum & mint
- snacks
- pantry items
- HERSHEY'S SOLUTION CENTER
- kosher products
- products a-z

general nutrition information

- chocolate
- antioxidants
- low fat products
- nutrition facts panels
- nuts
- fat
- allergens
- black licorice
- insulin resistance
- diet & dental health
- physical activity & young people
- children's eating patterns
- health & nutrition info for professionals

KIT KAT wafer bar

KIT KAT's light, crispy wafers in chocolate are a simple treat that complements your lighthearted, positive approach to life.

www.hersheys.com/kitkat

Flavors

Milk Chocolate

White Chocolate

Limited Edition Coffee

Limited Edition Milkshake

Limited Edition Orange Creme

History

KIT KAT is the number one selling candy bar in the U.K. KIT KAT is a licensed brand from Societe Des Produits Nestle S.A. Hershey Foods Corporation's original licensing agreement was executed with Rowntree Products in 1969. In 1988, Nestle purchased Rowntree.

Timeline

1931 The KIT KAT wafer bar is introduced.

2000 The KIT KAT BIG KAT wafer bar is introduced.

2002 KIT KAT Limited Edition White Chocolate and Dark Chocolate wafer bars are introduced.

2003 KIT KAT expands its limited edition line to include mint and orange flavors.

2004 KIT KAT BIG KAT Limited Edition White Chocolate and KIT KAT Triple Chocolate wafer bars are introduced.

2004 The KIT KAT White Chocolate wafer bar is made into a year round product.

Nutrition Information

Flavor Milk Chocolate

Kosher Status: OUD

Serving Size 1 four-piece bar (42 g)

Amount Per Serving	**%DV ***
Total Calories 220	
Calories from Fat 100	
Total Fat 11 g	17%
Saturated Fat 7 g	35%
Trans Fat 0 g	
Cholesterol less than 5 mg	1%
Sodium 25 mg	1%
Total Carbohydrate 27 g	9%
Dietary Fiber less than 1 g	3%
Sugars 22 g	
Protein 3 g	
Vitamin A	0%
Vitamin C	0%
Calcium	4%
Iron	2%

*Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

	Calories:	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Hershey's goal is to keep each product's nutrition information up-to-date and accurate but please consult the label on the product's packaging before using. If you notice that something is different on a product's label than appears on our website, please call us for more information at (800) 468-1714.

XVII

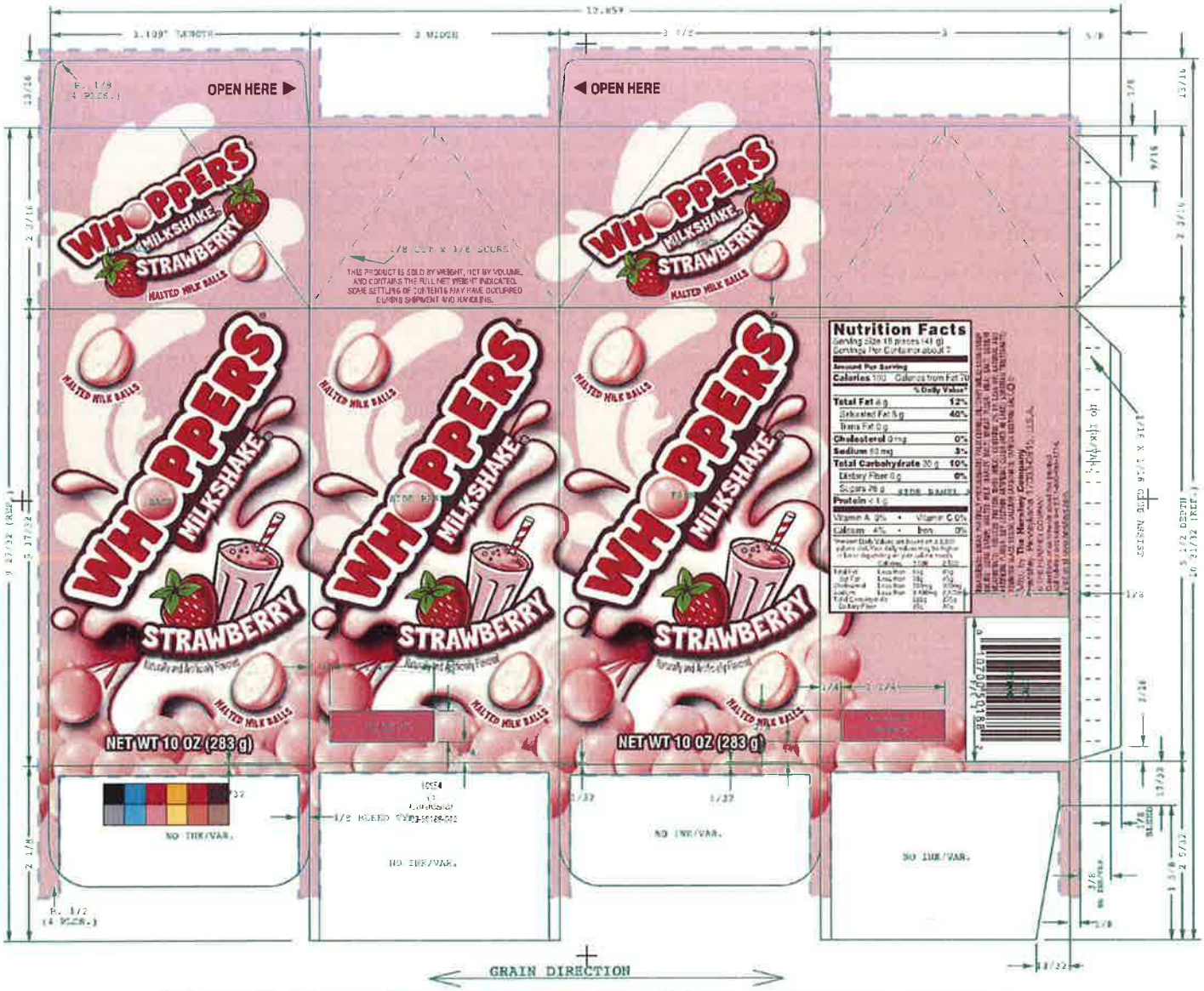
The Hershey Company

Designer	WFM	Project #	14795	AC Job #	36167 3
Separator	American Color	Component #	702-50189-000	Date	06-05-07
AC CSR	Eric Cook	Description	NEW Orange Creme Whoppers 10 oz Carton	Distortion	N/A
Printer	Carquest/St Louis,MO			Unwind	N/A
Print Method/Side	Offset/Surface	Account #	715164	Die #	60-003-001 60-004 REV.A
ColorLock ID	589	Plant	Robinson	UPC #	0-10700-50189-9
Hershey Graphics	Traci Hyde	Internal Order #	1011525	BWR/Size	.007" (100%)
Engineering	Melinda Glasson	RM	Spec# 15306 (Date Entered 5-18-07 MPM)	Software/Vers.	AI CS2

Approval Responsibilities

	Graphics Coordinator	Packaging Engineer	Procurement	Packaging Admin	Marketing	Legal
Item Number	●			●		
Component Number/Supplier Bug	●		●			
Design/Graphics	●				●	
N.L.E.A/Ingredients/Allergen/Kosher	●					●
Logo/Trademark	●				●	●
Net Weight/Mfcr/Count	●				●	●
Dieline/Technical Elements	●	●				
Tagline	●					●
UPC Code	●		●	●		

THIS PROOF NOT FOR COLOR! USE LEGEND AND PMS BOOK FOR COLOR.



The Hershey Company

Designer	AMERICAN COLOR	Project #	12276	AC Job #	33513_4
Separator	American Color	Component #	762-50188-002	Date	1-29-06
AC CSR	Eric Cook	Description	Whoppers Strawberry	Distortion	
Printer	Carpenter - St. Louis		10 oz Carton	Unwind	
Print Method/Side	Offset/Surface	Account #	715106	Die #	56-203-61110-064 Rev A
ColorLock ID	SB6	Plant	Robinson	UPC #	6-10700-50188-2
Hershey Graphics	Traci Hyde	Internal Order #		BWR	.002" (100%)
Engineering	Melinda Slamm	RM	Based SB6A (Validity Date 12-15-06 SPM)	Software/Vers.	AI CS2

Approval Responsibilities

	Graphics Coordinator	Packaging Engineer	Procurement	Packaging Admin	Marketing	Legal
Item Number			●			
Component Number/Supplier Emg		●				
Design/Graphics				●		
MLE/Ingredients/Allergen/Kosher						●
Logo/Trademark					●	●
Net Weight/Count					●	●
Dieline/Technical Elements						
Tagline						●
UPC Code		●	●			

THIS PROOF NOT FOR COLOR! USE LEGEND AND PMS BOOK FOR COLOR.

XV

HRSHY00000632