

Edgar Filing: JACK IN THE BOX INC /NEW/ - Form 8-K

JACK IN THE BOX INC /NEW/  
Form 8-K  
November 12, 2003

SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

FORM 8-K

CURRENT REPORT

PURSUANT TO SECTION 13 OR 15(d)  
OF THE SECURITIES EXCHANGE ACT OF 1934

Date of Report (Date of earliest event reported): November 12, 2003  
-----

JACK IN THE BOX INC.  
-----

(Exact name of registrant as specified in its charter)

DELAWARE	1-9390	95-2698708
-----	-----	-----
(State of Incorporation)	(Commission File Number)	(I.R.S. Employer Identification Number)
9330 BALBOA AVENUE, SAN DIEGO, CA		92123
-----	-----	-----
(Address of principal executive offices)		(Zip Code)

Registrant's telephone number, including area code (858) 571-2121  
-----

1

ITEM 7. FINANCIAL STATEMENTS AND EXHIBITS  
-----

ITEM 7(c) Exhibits. The following exhibits are filed with this report.

Number	Description
-----	-----
99.1	Press release issued November 12, 2003

ITEM 12. Disclosure of Results of Operations and Financial Condition  
-----

On November 12, 2003, Jack in the Box Inc. issued a press release

Edgar Filing: JACK IN THE BOX INC /NEW/ - Form 8-K

announcing the company's fourth-quarter and fiscal-2003 results. The press release is furnished as Exhibit 99 hereto and incorporated herein by reference.

In the attached press release, Jack in the Box Inc. has provided both earnings per diluted share before unusual items and earnings from operations before unusual items, in addition to earnings per diluted share and earnings from operations determined in accordance with generally accepted accounting principles (GAAP). The unusual items were the following: 1) a charge of \$2.6 million, or \$1.7 million after tax, related to lease-assumption obligations on five sites arising from the recent bankruptcy of the Chi-Chi's restaurant chain, previously owned by Jack in the Box Inc., 2) a charge of \$9.3 million, or \$6.1 million after tax, related to a legal settlement, and 3) a charge of \$6.4 million, or \$4.3 million after tax, related to store closures. Use of these non-GAAP measures facilitates comparisons to prior-period financial results and to the results of the company's competitors. Earnings per diluted share before unusual items and earnings from operations before unusual items should not be considered a substitute for earnings per diluted share and earnings from operations determined in accordance with GAAP. Each of these unusual items is included in SG&A expense and, accordingly, Jack in the Box Inc. has also provided SG&A expense rate before the above-described unusual items for the same reasons and purposes.

Jack in the Box Inc. will conduct a conference call on November 12, 2003 at 8:30 a.m. PT to review Jack in the Box Inc. fourth-quarter and fiscal-2003 results. Investors can hear this conference call live by visiting the Jack in the Box home page at [www.jackinthebox.com](http://www.jackinthebox.com). Access the Jack in the Box home page at least 15 minutes prior to the call in order to download and install any necessary audio software. Investors can hear replays of the conference call by visiting [www.jackinthebox.com](http://www.jackinthebox.com) and clicking on the conference call link.

2

SIGNATURES

-----

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

JACK IN THE BOX INC.

By: JOHN F. HOFFNER  
-----  
John F. Hoffner  
Executive Vice President  
Chief Financial Officer  
(Principal Financial Officer)  
(Duly Authorized Signatory)

Date: November 12, 2003

3

