

FORTUNE BRANDS INC  
Form 8-K  
April 28, 2009

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**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
Washington, DC 20549**

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**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): April 28, 2009**

**Fortune Brands, Inc.**  
**(Exact Name of Registrant as Specified in its Charter)**

|                              |               |                   |
|------------------------------|---------------|-------------------|
| <b>Delaware</b>              | <b>1-9076</b> | <b>13-3295276</b> |
| (State or Other Jurisdiction | (Commission   | (IRS Employer     |
| of Incorporation)            | File Number)  | Identification    |
|                              |               | No.)              |

**520 Lake Cook Road**  
**Deerfield, IL 60015**  
(Address of Principal Executive Offices) (Zip Code)

**847-484-4400**  
(Registrant's telephone number, including area code)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)

Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)

Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))

Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

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**INFORMATION TO BE INCLUDED IN THE REPORT**

**Item 2.02. Results of Operations and Financial Condition.**

Pursuant to Form 8-K, “Item 2.02 Results of Operations and Financial Condition” and “Item 7.01 Regulation FD Disclosure,” Fortune Brands, Inc. (“Fortune Brands” or the “Company”) is furnishing its press release dated April 28, 2009, which announces the Company’s anticipated first quarter 2009 earnings per share, reaffirms earnings guidance for 2009, increases free cash flow guidance for 2009 and announces action with respect to the dividend. The press release is included herewith as Exhibit 99.1 and is incorporated herein by reference. Pursuant to general instruction B.2 to Form 8-K, the information furnished pursuant to Items 2.02 and 7.01 shall not be deemed to be “filed” for purposes of Section 18 of the Exchange Act or otherwise subject to the liabilities of that section.

**Item 7.01. Regulation FD Disclosure.**

See “Item 2.02. Results of Operations and Financial Condition” above.

**Item 9.01. Financial Statements and Exhibits.**

(d) Exhibits

99.1 Press Release of Fortune Brands, Inc. dated April 28, 2009, is being furnished pursuant to Items 2.02 and 7.01.

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**SIGNATURE**

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.

FORTUNE BRANDS, INC.

(Registrant)

By: /s/ Craig P. Omtvedt

Name: Craig P. Omtvedt

Title: Senior Vice President and Chief Financial  
Officer

Date: April  
28,  
2009

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**Exhibit Index**

Exhibit

Number    Description

99.1        Press Release of Fortune Brands, Inc. dated April 28, 2009, is being furnished pursuant to Items 2.02 and 7.01.