

ORIGINAL



By its own admission, Whole Foods has integrated the Wild Oats assets “faster, further and deeper” than in any of the 18 acquisitions in the company’s history. This integration has

included the closing of 19 competing stores (with more closings planned over the next two months), abandoning plans to open additional competing stores, and the near-complete elimination of the “Wild Oats” brand from the marketplace. And, the Wild Oats stores that have remained opened are being weakened significantly

The closing and deterioration of Wild Oats stores continued even while the case was pending before the Court of Appeals, and indeed even after the Court of Appeals held that the Commission had established the requisite likelihood of success under § 13(b) of the Federal

Trade Commission Act. Commission staff twice requested that Whole Foods stop further

expeditiously, and, if unsuccessful, that the administrative and federal litigation proceed without undue delay.

Dated: February 3, 2009

Respectfully submitted,

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CERTIFICATE OF SERVICE

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