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Whole Foods Fights Federal Opposition

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WASHINGTON -- **Whole Foods Market** Inc., working to overcome federal opposition to its purchase of a rival natural-foods chain, argued in federal court yesterday that it competes vigorously with the broader supermarket industry.

Reacting to the Federal Trade Commission's extensive use of comments by Whole Foods Chief Executive John Mackey, the company also sought to portray Mr. Mackey as someone who dislikes all competitors in the supermarket industry and isn't trying to illegally thwart competition with its \$565 million purchase of Wild Oats Markets Inc.

"He does not like his competitors," said Paul Denis of Dechert LLP, representing Whole Foods. "That's not a problem. That's not illegal."

To illustrate their point, Whole Foods attorneys played several video clips from Mr. Mackey's depositions in the antitrust case. "We don't like any of these guys," Mr. Mackey said, referring to numerous supermarket companies. "They are our competitors."

The FTC has asked a federal court to issue a preliminary injunction blocking the Whole Foods and Wild Oats merger. U.S. District Judge Paul L. Friedman, who is handling the case with two days of hearings, said he will rule swiftly on the FTC request. Both sides have indicated they are likely to appeal his ruling.

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