

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 07-5276

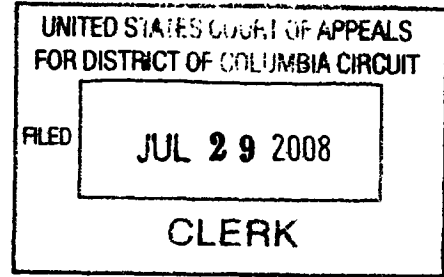
September Term, 2008

FILED ON: JULY 29, 2008

FEDERAL TRADE COMMISSION,
APPELLANT

v.

WHOLE FOODS MARKET, INC., ET AL.,
APPELLEES



Appeal from the United States District Court
for the District of Columbia
(No. 07cv01021)

Before: TATEL, BROWN and KAVANAUGH, *Circuit Judges*

AMENDED JUDGMENT

This cause came on to be heard on the record on appeal from the United States District Court for the District of Columbia and was argued by counsel. On consideration thereof, it is

ORDERED and **ADJUDGED** that the judgment of the District Court appealed from in this cause is hereby reversed, in accordance with the opinion of the court filed herein this date.

Per Curiam

MANDATE
Pursuant to the provisions of Fed. R. App. Pro. 41(a)
ISSUED: [Signature] 7/29/08
BY: [Signature] Deputy Clerk
ATTACHED: Amending Order
 Opinion
 Order on Costs

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/

Michael C. McGrail
Deputy Clerk

Date: July 29, 2008

Opinion for the court filed by Circuit Judge Brown.
Opinion filed by Circuit Judge Tatal, concurring in the judgment.
Dissenting opinion filed by Circuit Judge Kavanaugh. **A True copy:**

United States Court of Appeals
for the District of Columbia Circuit
By: [Signature] Deputy Clerk