

D.C. Circuit Reverses District Court Denial of the FTC's Efforts

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In *FTC v. Whole Foods Market, Inc.*, a decision that may have significant impact on antitrust challenges to mergers, the United States Court of Appeals for the D.C. Circuit ruled that the district court erred when it denied the government's request to block the combination of two natural and organic supermarket chains last summer. Some of the key aspects of the opinion include a relatively lenient interpretation of the preliminary injunction standard applicable to the FTC and a critique of an economic analysis focused on "marginal" customers relied upon by the lower court in determining the relevant product market.