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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91186148
Party	Plaintiff Publix Asset Management Company
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Date	02/19/2013
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Publix Asset Management Company,

Opposer,

v.

Opposition No. 91186148

Opposition No. 91186863

The Great Atlantic & Pacific Tea  
Company, Inc.,

Applicant.

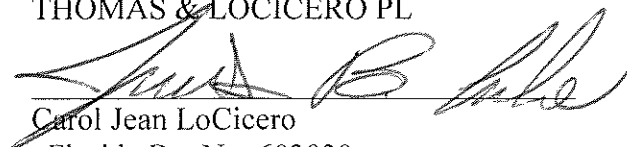
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Pursuant to Trademark Rule 2.122(e), Opposer, Publix Asset Management Company (“Publix”), gives notice of reliance on the attached publications. These publications are offered as evidence of (1) the recognition, strength, and notoriety of the GreenWise® mark; (2) the similarity of the parties’ goods and services; (3) the similarity of the parties’ trade channels; and (4) Applicant’s knowledge of the GreenWise® mark. These publications include Opposer’s Exhibits 30 and 32, which were previously marked during trial testimony. Additional publications being filed with this notice are numbered Opposer’s Exhibits 39 through 69.

Respectfully submitted,

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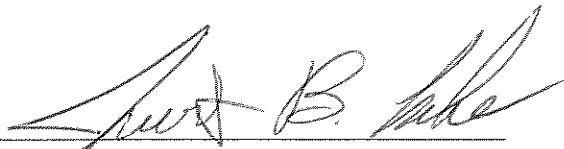
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Attorneys for Opposer

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\_\_\_\_\_  
Attorney

1-31-2013 

## Retail Industry

Industry: Email Alert RSS Feed

# Publix expands organic GreenWise brand

DSN Retailing Today , Oct 13, 2003

- Email
- Print

Publix is making a play for the natural product consumer, enhancing a program called GreenWise that includes feature sections and an extensive product line.

At a store in suburban Orlando, Publix recently offered a GreenWise bannered kiosk fronted by a 12-foot gondola. It included grocery items under well-known natural food brands such as Fantastic and Lakewood juices. A wire rack held a display of organic Chardonnay wine for \$16.99 a bottle from the Bonterra winery.

GreenWise is an established element in Publix operations. "We've had it for several years now," said Lee Brunson, director of community affairs. However, it continues to expand, driven in part by a monthly magazine, Publix GreenWise Market. The magazine includes features about nutrition, recipes mad the natural products Publix carries, as well as advertising from natural food vendors and lots of coupons.

### Most RecentRetail Articles

- Kohl's Targets Younger Consumers, Subtly, with Lauren Conrad Brand
- Eastern C-Stores Pursue Shoppers Tesco's Fresh & Easy, Wal-Mart's Marketside...
- Recession's Impact on Fresh & Easy Drags Down Tesco Results
- Meijer Grows Naturally But Adds New Stores, Too
- More »

But GreenWise products are important to the overall effort. Brunson explained that the brand was developed as a label under which existing product in the marketplace could be brought into Publix. So, while GreenWise products were all developed independently, they are merchandised as both national and private labels.

The kiosk wasn't the only place where the GreenWise banner flew in Orlando. Four-foot signage were mounted in the vitamin/supplements aisle and in the produce cold case. In produce, Publix offered a line of Earthbound farms organic carrots, broccoli and other bastes, along with Pavich raisins and Grateful Harvest peppers.

GreenWise products aren't limited to GreenWise sections, though. For example, among shelf-stable juices, Publix offered GreenWise apple juice at a 50-cent premium to its standard private

GW 002074

label. Indeed, GreenWise isn't limited to food. The August issue of GreenWise magazine included notice of several new products, including bathroom and facial tissue, all made with 100% recycled paper. Thus, Publix entices environmentally conscious consumers as well as natural food aficionados.

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GW 002075

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PRIVATE LABEL MANUFACTURERS ASSOCIATION

Opposition 91186148

Opposer's Ex. 32  
1-31-2013

SEPTEMBER 2006

- ▶ **IN THE STORES**  
Trader Joe's has introduced dried California navel oranges
- ▶ **MARKET RESEARCH**  
Medicare drug plan helps drug stores, supercenters
- ▶ **PLMA NEWS**  
FDA, USDA visits at Annual Washington Conference
- ▶ **EVENTS**

## New shopper survey finds store brands "close gap" with national brands

Four of every five shoppers (82%) believe that store brands have "closed the gap" with national brands, according to a new consumer study by The Hartman Group. The report, called "Private Label from a Consumer Perspective," not only documents the confidence shoppers have in private label products but also identifies the store brands they are most likely to buy.

Five of the top 10 store brands that respondents said they are "likely to purchase" are sold by Wal-Mart: Great Value, Equate, Sam's Choice, Wal-Mart and Member's Mark (Sam's Club). Kroger's store brands came in second after Wal-Mart's, followed by Target, Albertsons and Safeway.

The Hartman Group reported, "While clearly other results in this study point to the success of other retailers, we are struck by the magnitude of mind-share Wal-Mart appears to hold in shoppers' minds when it comes to awareness of private label brands and retailers." The online survey was conducted with more than 1,000 consumers. The Hartman Group noted that many consumers also had positive attitudes about the store brands offered by smaller, more specialized retailers. "While traditional private label channels have strong associations in the minds of shoppers, they really think the highest quality store brands are sold in those stores that offer something beyond the ordinary," said Laurie Demeritt, Hartman President/CEO. She cited Trader Joe's and Nordstrom as providing a quality retail experience coupled with quality store brands.

## Disney uses power of private label, teams with Kroger

One of America's branding icons, Walt Disney, has teamed up with Kroger to create a new store brand range. Some analysts say the move not only shows the power of private label but

GW 002139

may also portend similar deals. Disney worked with the chain to introduce more than 100 health-oriented food items sold only at Kroger. Called Disney's Magic Selections, the line will encompass 12 categories, including water, juices, milk, fruits, vegetables, pastas, soups, breads, yogurts, meats, cheese and portion-controlled snacks such as ice cream and biscuits.

The alliance is the first time Disney has licensed with a food retailer for its own store brand of products. One industry expert believes more such deals are on the way. "There's no disconnect here. What you're seeing is major properties like Disney recognizing the power of retailers' private label brands and their willingness to market their properties with them," said Ken Harris, an analyst at Cannondale Associates. "This signals a clue of things to come."

Brandweek magazine writes, "The line will essentially become Kroger's private label brand for kids." On the packs will be Disney characters such as Woody and Buzz Lightyear, Tigger, Winnie the Pooh and Mickey Mouse. As the licensee, Kroger's strategy will include direct mail, taste demos, spots on its in-store TV network, floor graphics and billboards; Disney will launch a public relations effort and a web site featuring interactive activities.

Kroger and Disney worked closely together on developing the products, sources said. They collaborated on all aspects of the product launch, from R&D, to packaging and marketing. The effort continues in 2007 with planned Magic Selections launches including health and wellness items such as bubble bath, soaps and shampoos; organic goods; floral; and stationery.

## **Competition in store brand organics heats up**

Store brand competition in organic categories and other health and wellness areas is really heating up as more and more retailers expand their assortments.

The retailer that helped pioneer the trend, Whole Foods Market, acknowledged the increased competition from large, traditional supermarket chains, such as Kroger and Safeway. John Mackey, CEO, said one way Whole Foods will meet the new competition is by adding products to its store brands, such as its 365 Organic line.

Meanwhile, Safeway is adding products to its new organics range under the O brand and is broadening distribution into virtually all stores. Steve Burd, Chairman/CEO, said the O brand creates an effective "point of differentiation." The O brand growth reflects increases across the retailer's organics business, including dry grocery and perishables store departments, Burd said. Overall, Safeway is experiencing "very strong double-digit growth" in organics.

At Wild Oats Markets, the strategy is to expand its brand into other retailers. The company expects to announce soon that partnerships have been formed with "upscale regional retailers." The Wild Oats store brands are currently available at Peapod.com and Amazon.com and in some Stop & Shop stores. Wild Oats said aggressive promotions of organic lines by competitors, particularly Safeway's O organics line, have hurt sales.

## **FDA considers new nutrition label rules**

The Food and Drug Administration is reportedly considering new rules requiring that food labels put more emphasis on calorie count, serving size and trans fat content, according to trade reports.

The FDA is considering increasing the size of the printed calories and serving size amounts on labels and requiring that products state the daily value percent of the trans fat they contain. The government also is weighing a health claim for reduced-calorie foods.

The agency has released draft food regulatory program standards aimed at unifying all state and FDA food inspection programs. FDA currently contracts with states or works with them to conduct inspections. Wide variances in states' inspection standards have caused problems for food firms, particularly those involved in interstate commerce, the report found.

These will be some of the regulatory issues examined at PLMA's 2006 Annual Washington Conference, to held Sept. 25-26. Attendees will visit the offices of the Food & Drug Administration and receive a briefing on possible rule changes for nutritional labeling. See story on the Conference below.

**GW 002140**

Supervalu is reviving the Lucky brand, which disappeared more than a decade ago when Albertsons acquired the Lucky chain in California. Jeff Noddle, Chairman/CEO, said the Lucky brand would be used for Supervalu's EDLP format stores. Three Albertsons stores have been converted to the Lucky logo and the brand will eventually expand beyond California for the first time. The Lucky name has been the subject of litigation, as one California retailer, Grocery Outlet, has been using the name. "We have obtained an order preventing Grocery Outlet from using the name pending resolution of the legal matter," Supervalu said.

## **Publix expands GreenWise brand**

Publix plans to expand its GreenWise Market store brand range, which was launched four years ago for organic, healthy and environmental friendly products. Among the new introductions will be fresh chicken, which has been air-cooled during processing rather than submerged in water. The chickens also will be fed vegetarian diets and will be antibiotic-free. Publix also expects to introduce GreenWise beef and pork products in coming months. The chain also plans to open two stores next year under the "Publix GreenWise Market" banner, stores that will focus completely on healthy and organic foods and that will compete more directly with chains like Whole Foods and Wild Oats.

## **A&P 'sprinting' to increase private label share**

A&P is "really sprinting" to increase its store brand penetration, Eric Claus, President/CEO, told security analysts. During the most recent financial period, he said the retailer increased private label penetration by one percentage point, "So we are now in the mid-teens as opposed to being in the low-teens." Christian Haub, Chairman, added that A&P is "making significant improvement in our private label penetration." He conceded, however, that the retailer's store brand share is "lower than where we need it to be and lower compared to the where the industry is."

## **Store brand penetration climbs at BJ's**

Spurred by a 17% sales increase in the most recent quarter, store brand penetration at BJ's Wholesale clubs rose to 13%, up from 11% in the year-ago period and 7% two years ago, according to Mike Wedge, President/CEO. The company said it would "continue to add in private brands," including in the area of dry grocery, to cover new price points. These new products are designed to help BJ's better compete against mass retailers and supermarkets.

## **Retailers step on the gas for store brands**

Two leading supermarket chains are using fuel promotions to boost store brand sales. At Safeway, a "Guzzle n' Go" banner-wide promotion links its private label soda with fuel savings. Shoppers who use their loyalty card to purchase any other private label soft drink can participate in a game where the winners receive prizes including: free fuel for 30 years, Go 2 cola for 20 years, and thousands of fuel cards valued up to \$50. H-E-B has launched a fuel promotion that offers \$5 worth of fuel for every \$25 spent on H-E-B branded products in a single transaction. Purchases of up to \$150 on H-E-B brands are eligible.

## **IN THE STORES**

**Trader Joe's** has introduced dried California navel oranges that are sliced, unsweetened and unsulfured. A 4.4 oz. bag retails for \$2.49.

**Wegmans** has reintroduced a private label line of fresh irradiated ground beef. Sold in 1-pound rolls in 80% and 90% lean varieties, the meat retails for slightly more than conventional ground beef.

**H-E-B** is offering a private label pet insurance program. A dedicated website and in-store promotion will begin to roll out later this year and will be followed with a more intensive



advertising and promotional campaign.

**Raley's**, the California-based supermarket chain, has launched a range of hot panini and gourmet sandwiches under the Nob Hill Trading Co. brand. The range consists of 13 choices, including five hot grilled panini sandwiches.

**Stater Bros.** has introduced 110 items from Topco Associates' Full Circle line of natural and organic products and expects to be carrying 200 by the end of 2007. Products available now include cereals, pastas, pasta sauces, peanut butter, coffee and teas.

**Kroger** has opened its first Hispanic format, called Mercado, near Phoenix. The 66,000 sq. ft. store features a sit-down restaurant.

**Publix** promoted its store brand ice cream by offering free samples at a home game of the Florida Marlins baseball team. The ice cream was distributed from a mobile marketing unit designed to look like an old-fashioned ice cream truck.

## **MARKET RESEARCH**

### **Medicare drug plan helps drug stores, supercenters**

The shopping patterns of seniors for both food and non-food products is changing as a result of the new Medicare Part D drug prescription insurance program, according to an IRI study. It finds that shoppers over 65 years old have shifted both prescription and non-prescription healthcare purchases away from the grocery channel to drug stores, supercenters and mail order. During the four-month period following the January 1 Medicare Part D start date, grocers lost 2.2 share points in prescription transactions and 1.1 dollar share points in non-prescription healthcare categories, IRI reported.

### **Rising resin prices spur flexible packaging**

Rising resin costs along with changing consumer preferences are driving the sales growth of flexible food packaging, according to a study by Frost & Sullivan. Stand-up pouches, in particular, are witnessing strong growth and are fast replacing conventional rigid packages. Due to rising resin prices, end-user companies are gradually adopting flexible plastic packages that are less expensive than rigid packages, the study finds. However, the rising prices are raising concerns. In the last three years, the prices of most resins used in flexible food packaging have risen by close to 40% annually. With thinner gauges, a mix of biodegradables with the current blend of materials is seen as a solution for the future.

## **PLMA NEWS**

### **FDA, USDA visits at Annual Washington Conference**

PLMA members will have the opportunity to visit government officials and discuss important new regulatory issues at PLMA's 2006 Annual Washington Conference, held Sept. 25-26.

One group of attendees will visit the offices of the Food & Drug Administration and receive a briefing on possible rule changes for the nutritional labeling on food products. Prior to the visit, attendees will get an update on "The Challenge of Future Nutritional Labeling," by Richard Frank, Managing Partner, Olsson, Frank and Weeda, a law firm experienced in regulatory matters.

Another group of Conference attendees will visit offices at the U.S. Agriculture Department and get the latest information on the new approved food packages for the Women, Infants & Children (WIC) program. The new packages are scheduled to go into effect next January.

Both the FDA and the USDA visits will be held in the afternoon on the second day of the Conference, Tuesday, Sept. 26.

The Monday evening opening presentation for Conference will be made by one of America's best-known political figures, Newt Gingrich. He will offer his personal perspective on the key issues prior to this year's midterm elections. Other speakers include:

Stu Rothenberg, columnist and Contributing Editor of Roll Call, Capitol Hill's award-winning newspaper; Ken Goldstein, Senior Economist of The Conference Board. PLMA General Counsel, Arthur Handler, and Vice President Communications, Tim Simmons will give a Legislative and Judicial Report.

International trade and economic issues will be the topic for one of the conference's most popular features, "Dinner with..." where Washington insiders share their expertise in an informal interview. This year's guest will be Carla Hills, former U.S. Trade Representative. The host hotel is the Holiday Inn on the Hill, located a few blocks from the Capitol Building.

PLMA committee and task force meetings will also be held in conjunction with the conference.

To register or get more information about PLMA's Annual Washington Conference, call 212-972-3131 or email [info@plma.com](mailto:info@plma.com).

## EVENTS

- |             |  |
|-------------|--|
| Sept. 25-26 | Annual Washington Conference<br>Washington, D.C.                   |
| Nov. 11-12  | "Weekend with St. Joe's" Executive<br>Education Program<br>Chicago |
| Nov. 12-14  | Annual Private Label Trade Show<br>Chicago                         |

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**GW 002143**

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## Business Today

By wire services

Published May 13, 2005

**PUBLIX TO LAUNCH NATURAL FOODS STORE:** Publix Super Markets Inc. next year will unveil its own version of a natural foods store called GreenWise. The Lakeland grocer, which added GreenWise departments to 752 of the chain's more than 850 stores a few years ago, is experimenting to counter the incursion of such supermarket chains as Wild Oats Natural Marketplace, Fresh Market and Whole Foods Markets into Florida. The Publix GreenWise will cater to shoppers who prefer selections dominated by organics, wellness products, so-called "good-for-you foods" and gourmet items. St. Petersburg developer Sembler Co. is building a lifestyle shopping center in Palm Beach Gardens that will house the first of two experimental GreenWise stores. Another will be in a renovated Publix in Boca Raton.

**E-TRADE MAKES OFFER FOR AMERITRADE:** Only a few hours after online brokerage Ameritrade Holding Corp. affirmed it was not for sale, rival E-Trade Financial Corp. disclosed it had made an unsuccessful bid for its rival. It was not immediately clear how much E-Trade's offer was worth.

**TWO SCRUSHY CHARGES DISMISSED:** The judge in Richard Scrusby's federal fraud trial threw out two charges against the HealthSouth Corp. founder Thursday but ruled jurors must consider three dozen other counts when deliberations start next week. Closing arguments are set for Monday, and jurors are expected to get the case the next day.

**MORGAN STANLEY DISSIDENTS WANT SPINOFF:** A group of former Morgan Stanley executives and dissident shareholders wants to spin off the Wall Street firm's investment banking business - long the pride of Morgan Stanley - to "regain its stature and reputation," the group said Thursday. The proposal would essentially reverse Dean Witter & Co.'s 1997 takeover of Morgan Stanley.

**FORD CEO TO FORGO PAY:** Ford Motor Co. chairman and chief executive Bill Ford said Thursday he will forgo all compensation until the company's automotive business is sustaining profitability. Ford's 2004 compensation package was worth about \$22-million. Also Thursday, Moody's Investors Service downgraded Ford's credit rating to its lowest investment-grade level.

**SPARSE CROWD FOR GOOGLE MEETING:** Fewer than 200 people attended Google Inc.'s first annual meeting as a public company Thursday.

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Opposition 91186148

Opposer's Ex. 39

## PUBLIX GOING NATURAL CHAIN TO OPEN TWO 'GREENWISE' SUPERMARKETS IN PALM BEACH COUNTY TO TAP DEMAND FOR ORGANIC FOODS.

[Broward Metro Edition]

South Florida Sun - Sentinel - Fort Lauderdale, Fla.

Author: Staff reports Business writers Ian Katz, Karen-Janine Cohen and Alexandra Navarro Clifton contributed to this article  
 Date: May 14, 2005  
 Start Page: 9.B  
 Section: BUSINESS  
 Text Word Count: 491

### Document Text

Publix Super Markets, seeking a piece of the fast-growing organic foods segment, said Friday it will open two natural foods supermarkets in Palm Beach County next year -- one in Boca Raton and one in Palm Beach Gardens.

The stores are the chain's first locations dedicated to natural and organic products, Publix spokeswoman Anne Hendricks said. It's "premature" to say whether similar stores will be opened elsewhere in South Florida, she said. "We'll open these two and we'll see how they do."

The Boca Raton store will replace an existing Publix at the Village Square shopping center on St. Andrews Boulevard, Hendricks said. Publix cannot yet confirm its Palm Beach Gardens location because it has not signed a lease, she said.

The stores will be called GreenWise, the name Publix uses for the natural foods sections it has in about 750 of its 850 stores in the southern United States.

The move will pit Publix, South Florida's dominant supermarket company, against natural foods chains Whole Foods Market and Wild Oats Natural Markets.

Though she wouldn't give details, Hendricks indicated that Boca Raton and Palm Beach Gardens were chosen because shoppers there want natural foods. "It's certainly a growing segment," she said.

Kurt Barnard, a New Jersey-based retail analyst, said stand-alone stores can be more of an attraction for shoppers than the organic sections of traditional supermarkets. "I think it [the natural foods sector] has a great future and a very great present," he said.

It could be a shrewd move by Publix, Barnard said, because margins in the whole foods segment are higher than in the traditional sector, and competition, for now, is less intense.

But Publix may find that its natural foods competitors have a loyal following.

Craig Tourville of Boca Raton eats at the Whole Foods Market on Glades Road in Boca Raton every day. He also shops for groceries there.

"Even if they [Publix] were all natural, I think I'd stick with Whole Foods," Tourville said Friday. "I like the look and feel here."

Lisa Snow, whose shopping cart was full of Whole Foods grocery bags, said she would probably try the new Publix store, but would continue to shop at Whole Foods.

"It would depend on where it was located," she said. "If it were close, I might run down and get a few things every once in a while."

Business writers Ian Katz, Karen-Janine Cohen and Alexandra Navarro Clifton contributed to this article.

Opposition 91186148

[Illustration]

Opposer's Ex. 40

PHOTO 2; Caption: NATURAL STEP: A shopper passes the organic foods section at a Publix store in Boca Raton. Publix's natural food supermarkets will be called GreenWise, the name it uses for natural foods sections in its current stores. Bloomberg News file photo/Mike Fuentes THINKING ORGANIC: Many Publix stores have aisles dedicated to natural and organic foods, but stand-alone stores are thought to be more of an attraction for shoppers than the organic sections of traditional supermarkets. Bloomberg News file photo/Mike Fuentes

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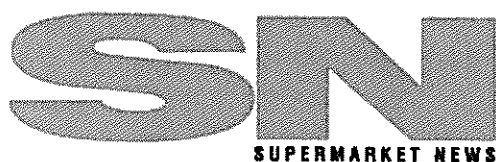
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**Abstract (Document Summary)**

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PHOTO 2; NATURAL STEP: A shopper passes the organic foods section at a Publix store in Boca Raton. Publix's natural food supermarkets will be called GreenWise, the name it uses for natural foods sections in its current stores. Bloomberg News file photo/Mike Fuentes THINKING ORGANIC: Many Publix stores have aisles dedicated to natural and organic foods, but stand-alone stores are thought to be more of an attraction for shoppers than the organic sections of traditional supermarkets. Bloomberg News file photo/Mike Fuentes

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## Publix to Expand GreenWise

Thu, 2007-02-08 03:00

*Supermarket News*

**LAKELAND, Fla.** -- Publix Super Markets has announced plans to expand its Publix GreenWise Market concept to two additional locations in Vero Beach, Fla., and Tampa, Fla. Although the company has not yet opened one of the new, natural and organic grocery concepts, construction is already under way at two additional GreenWise locations in Boca Raton, Fla., and Palm Beach Gardens, Fla. "At Publix, we're committed to serving the changing lifestyle and nutritional needs of our customers," spokeswoman Maria Brous explained in a release. "We have seen exceptional growth in the health, natural and organic food areas of our traditional stores. Publix GreenWise Markets will allow for an environment focused on natural foods as well as provide a venue with an emphasis on prepared foods."

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**Source URL:** <http://supermarketnews.com/meals/publix-expand-greenwise>

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From the Tampa Bay Business Journal

[:http://www.bizjournals.com/tampabay/stories/2007/02/26/story13.html](http://www.bizjournals.com/tampabay/stories/2007/02/26/story13.html)

PREMIUM CONTENT: Feb 26, 2007, 12:00am EST

## Publix seeks organic growth in stand-alone GreenWise markets

Staff *Tampa Bay Business Journal*

LAKELAND -- Once regarded as the pricey fare of tree huggers and health enthusiasts, organic food is going mainstream.

Publix is planning to take a bite of the \$20 billion a year business that independent neighborhood stores, family farmers and specialty chains have cultivated. In an effort to tap one of the fastest growing segments of the grocery industry, Publix is rolling out four natural and organic food prototype stores.

The first Publix GreenWise Market is slated to open this summer in Palm Beach Gardens, and the company has plans to build a 39,000-square-foot store at Armenia Avenue and Azele Street in Tampa.

A conversion is set for Vero Beach, and additional work is under way on locations in Palm Beach Gardens and Boca Raton.

GreenWise signals Publix's willingness to test consumer appetite for its healthy shopping concept, said Maria Brous, spokeswoman for the Lakeland-based chain.

"The Publix GreenWise's whole focus will be health, organic, natural foods and prepared foods," she said.

The selection of prepared foods will go well beyond the fried and rotisserie chicken typically found at Publix. Think of a gourmet hot bar with spicy pastas, soups, casseroles and chilled bars with fresh leafy greens, crisp veggies and such.

The descriptions conjure up images of the nation's organic and natural food retailing kingpin Whole Foods, which offers a smorgasbord of buffet-style hot and cold dishes in its markets.

### Healthy competitors

While Publix is taking a sip of Florida's organic retailing waters, the 192-store Whole Foods is gulping them down with plans to open seven Florida stores. The Austin, Texas-based chain operates eight stores statewide, including one in Sarasota.

Opposition 91186148

Opposer's Ex. 42

Buoyed by strong sales and consumer demand, Whole Foods' new stores are getting bigger. "Our goal is to build stores of 50,000 square feet or larger so we can provide all the services and varieties that our customers want," said spokeswoman Karen Mathis.

But with organic food sales barely piercing the nation's food business, swallowing just 2.5 percent of the nation's \$556.8 billion a year in food sales, industry watchers contend the market has barely been scratched.

"Mainstream supermarkets throughout the country have been doing this [organic merchandising] for the last few years," said Barbara Haumann, a spokeswoman for the Greenfield, Mass.-based **Organic Trade Association**.

But arguably, the launch of a separate spin-off store is a brazen step by a traditional supermarket chain. Most, including retail gorilla Wal-Mart, have opted to open organic isles or up their offerings of the environmentally friendly foods in an attempt to wrestle away a slice of feast that specialty retailers such as Whole Foods and Wild Oats have been enjoying in recent years.

Sales of organic foods, which are regulated by the federal government and held to higher standard than foods simply labeled as natural, has been sprouting double-digit growth since the late 1990s. In 2005, the last full year final sales were available, organic foods generated \$13.8 billion a year in revenue, a 16.2 percent climb over 2004 sales of \$11.9 billion.

### **Resource conservation**

Following the rules of organic farming is paramount to protecting the farmers and product integrity, said Mark Kastel, co-director of the Cornucopia Institute, an organic watchdog group based in the dairy stronghold of Cornucopia, Wis.

Organic foods are grown to conserve the earth's resources, protect the environment and foster the humane treatment of farm animals.

Organic farms do not use toxic chemicals or scientific engineering on produce. They also don't confine livestock in factory-style feed lots or use antibiotics and growth hormones on them.

To label products as organic, farms must be USDA certified as meeting government organic standards, first passed in 1990. It takes three years for farmers to convert conventional farmland, where chemicals have been used, to organic lands.

Organic products cost more to produce and buy, especially meat. Cornucopia Institute has accused Wal-Mart of mislabeling products as organic when they weren't.

Kastel also said that Publix is buying organic milk from a large Boulder, Colo., dairy that the institute contends doesn't meet organic standards. Publix's Brous was not immediately aware of the complaint.



"Our thoughts [about Publix] is one of optimism and hope that they will be one of the retail players that will do a good job," Kastel said. "We are not out to put anyone out of business. We are out to get companies to respect the organic label."

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## PUBLIX GREENWISE MARKET PLANNED FOR GARDENS

**Author:** SAMANTHA FRANK, Palm Beach Post Staff Writer **Date:** May 9, 2007 **Publication:** Palm Beach Post, The (FL) **Page Number:** 8 **Word Count:** 744

Palm Beach Gardens and Boca Raton soon will be home to the first two Publix GreenWise Markets in the chain's history.

These supermarkets, which sell only natural and organic food and products, will be the latest addition to a growing industry.

Work is under way on a new 39,000-square-foot building for a GreenWise Market at 11231 Legacy Ave. in Palm Beach Gardens. It is expected to open late this summer or early fall, said Maria Brous, director of media and community

Opposition 91186148

Opposer's Ex. 43

**BRIEFING***[Broward Metro Edition]*

South Florida Sun - Sentinel - Fort Lauderdale, Fla.

Date: May 18, 2007

Start Page: D.1

Section: Business

Text Word Count: 299

**Document Text**

Inflation concerns push 30-year mortgages higher

Rates on 30-year mortgages jumped to the highest level in five weeks as investors expressed disappointment that the Federal Reserve continues to remain worried about inflation threats.

Mortgage giant Freddie Mac reported Thursday that 30-year, fixed- rate mortgages averaged 6.21 percent nationwide this week, up from 6.15 percent last week.

Gas prices aren't changing driving plans -- for now

Higher gas prices have yet to alter summer driving plans, according to a study released Thursday by the Travel Industry Association.

Americans seem to be taking \$3-a-gallon prices in stride and will make only modest changes in their normal travel patterns. But almost one-third of survey respondents said they'd cancel their trips if prices hit \$3.50 a gallon.

Publix GreenWise Market ticketed for Coral Springs

Publix Super Markets said Thursday it plans to open a 39,000- square-foot Publix GreenWise Market store at 3451 University Drive in Coral Springs.

The existing store there was damaged in Hurricane Wilma and has been closed; it will be torn down and rebuilt as a GreenWise, a company spokeswoman said. There's no timeline for the opening.

Publix also said it plans to expand its Aprons cooking schools to include the store at 5050 Champion Blvd. in Boca Raton. No opening date has been set.

Activists sue Burger King over use of trans fats

A group of nutrition advocates has sued Burger King, saying it is taking too long to switch to using cooking oil free of trans fats.

The Center for Science in the Public Interest asked a court to force the Miami-based company to stop using trans fats or warn consumers about the oil's dangers, according to a lawsuit filed this week in the District of Columbia Superior Court in Washington.

A company spokesman called the lawsuit "baseless."

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**Abstract (Document Summary)**

Publix Super Markets said Thursday it plans to open a 39,000- square-foot Publix GreenWise Market store at 3451 University Drive in Coral Springs.

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Opposition 91186148

Opposer's Ex. 44

## PUBLIX PLANS COUNTY'S FIRST GREEN MARKET IN SPRINGS

[NORTH WEST BROWARD Edition]

South Florida Sun - Sentinel - Fort Lauderdale, Fla.

Author: Sallie James  
 Date: May 27, 2007  
 Start Page: 11  
 Section: Community News  
 Text Word Count: 403

### Document Text

The first Publix "Greenwise Market" in Broward County, designed to cater to shoppers who want to live healthier lifestyles, will be built in the center of this city's new downtown.

The store, planned for the northeast corner of University Drive and Sample Road, is needed for the city's Community Redevelopment Agency to kick off phase II of its downtown plan. The first CRA project, a \$25 million grouping of four office buildings dubbed "One Charter Place," is on the southeast corner of the same intersection.

"We needed that anchor to move forward," said John Ruffin, chairman of the Coral Springs CRA. "Certainly, the presence of Publix is important. Then introducing a new concept really brings some innovation. It offers a unique piece for that quadrant."

The Lakeland-based supermarket chain recently announced plans for the Coral Springs store. The site was occupied by a Publix store that has been closed since Hurricane Wilma damaged it in October 2005.

That store, built in 1971 and remodeled in 1989 and 1996, will be torn down. Publix could not say when the new Greenwise Market would open.

The new 39,000-square-foot Coral Springs store will be stocked with organic vegetables and milk and all-natural cereals. The supermarket will also offer an expanded prepared-food section, according to Publix.

Additional Greenwise Markets are set to open in Palm Beach Gardens, Boca Raton, Vero Beach and Naples.

Assistant City Manager Erdal Donmez said he didn't know yet what financial impact the new store would have on the Coral Springs CRA.

Under a typical community redevelopment agency, tax dollars that would normally go to the county are paid instead to the agency and then re-invested in the agency's district. The Coral Springs CRA, which covers about 136 acres in the area of Sample Road and University Drive, is set up differently. The city signed an agreement with the county requiring the CRA to produce results before it gets any tax-increment funding.

The agency received \$2.2 million from Broward County for the first project, based on the present value of the future stream of new taxes for the area being developed, Donmez said.

"We really haven't seen any plans regarding the extent of the investment at the location, but having new development and a grand new concept introduced at this location will make an excellent anchor," he said. "It's starting to come together."

Sallie James can be reached at [sjames@sun-sentinel.com](mailto:sjames@sun-sentinel.com) or 954- 572-2019.

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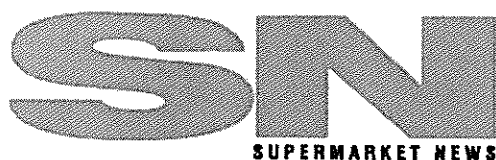
### Abstract (Document Summary)

"We needed that anchor to move forward," said John Ruffin, chairman of the Coral Springs CRA. "Certainly, the presence of Publix is important. Then introducing a new concept really brings some innovation. It offers a unique piece for that quadrant."

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Opposition 91186148

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## Publix Varies GreenWise Layouts

Mon, 2007-06-04 12:00

[Supermarket News](#)

[Christine Blank](#)

CHRISTINE BLANK

**LAKELAND, Fla.** — Even as Publix Super Markets plans to open its first GreenWise Markets store in Palm Beach Gardens, Fla., this fall, it continues to test different GreenWise formats in its stores.

At Publix's new store in upscale Lake Mary, Fla., the 550-square-foot GreenWise section is placed at the front and center of the store, where Publix's frozen aisles are typically located. In another variance from many other Publix stores, the GreenWise Market store-within-a-store section features most of the organic and natural products in the store — including fresh and frozen items — in this one department.

Many Publix stores currently have small GreenWise sections near the front of the store, while the majority of natural and organic items are segregated/integrated in GreenWise sections within traditional aisles.

“We do not take a cookie-cutter approach; rather, we tailor each store to meet the demands of the customer. This depends on the demographics and shopping patterns of customers within our stores,” said Maria Brous, spokeswoman for Publix.

Publix is trying all different types of GreenWise sections, based on customer shopping patterns and the layout of the stores, Brous added.

“There are some stores that have Publix GreenWise products integrated through the store design,” she said. “There are other locations that have a dedicated Publix GreenWise area that does not include fresh, frozen or produce items, and yet there is still another store design that allows for all Publix GreenWise shelf-stable, fresh and frozen products to run in one continuous line.”

As a result of the grouping of fresh, shelf-stable and frozen products in the Lake Mary store, Publix's GreenWise-branded products and certain national organic brands are emphasized more than in other stores.

The refrigerated cases along one aisle feature a 12-foot section of GreenWise milk and Silk soy milk, and 6 feet of organic and natural yogurts. In addition, much of the refrigerated space at the front of the department is devoted to organic produce, including 8 feet of organic lettuce, followed by 4 feet of refrigerated tofu products.

The frozen organic and natural foods section is also expansive, with eight doors at the front of the department.

Organic and natural deli meats and cheeses also receive significant play, in a brighter refrigerated case next to the freezer doors. The 4-foot refrigerated case features several natural meat SKUs from Applegate Farms and several varieties of sliced organic cheese from Organic Valley.

Opposition 91186148

Opposer's Ex. 46

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**Source URL:** <http://supermarketnews.com/retail-amp-financial/publix-varies-greenwise-layouts>

## PUBLIX'S NEW SHADE OF GREEN CHAIN'S FIRST GREENWISE MARKET TO OPEN IN PALM BEACH GARDENS

[Broward Metro Edition]

South Florida Sun - Sentinel - Fort Lauderdale, Fla.

Author: Jaclyn Giovis

Date: Sep 20, 2007

Start Page: D.1

Section: Business

Text Word Count: 667

### Document Text

Informational box at end of text.

Publix GreenWise Market, Lakeland-based Publix Super Markets' first health, natural and organic store, will debut next Thursday offering shoppers gourmet prepared foods with curbside pickup service and thousands of grocery items that aren't sold in traditional Publix supermarkets.

Located at the Legacy Place shopping center in Palm Beach Gardens, company officials anticipate the 39,000-square-foot store will be a destination for foodies and health nuts as well as conventional grocery shoppers. Other GreenWise stores are planned for Boca Raton, Coral Springs, Tampa and Vero Beach.

GreenWise Market will compete with Whole Foods Market and others who sell higher-margin natural and organic foods. With a concentration of more than 100 prepared-meal options - ranging from pizza to churrasco steak - the grocery store also aims to give patrons an alternative to upscale restaurant dining at similar prices.

"You probably have five restaurants under one roof here to choose from," Publix spokesman Dwaine Stevens said. "We looked at this as a way to compete with the restaurants."

As the number of two-income families, time-starved soccer moms and dads, and young adults who don't like to cook continues to increase, consumers are buying almost half of their food at restaurants and takeout establishments, according to the Washington, D.C.-based Food Marketing Institute, which represents about 1,500 food retailers and wholesalers in the United States and around the world.

Grocery stores have lost considerable market share, and have been looking for opportunities to win back those food dollars by expanding prepared-food offerings in their stores, experts say.

"The grocery shoppers of the future are going to want their food in that form," said Bill Greer, a food institute spokesman.

Consumers are starting to accept the idea of buying prepared foods at grocery stores as their perception of food quality improves, said Darren Tristano, an analyst at Technomic, a Chicago-based food and restaurant research firm. "Whole Foods has changed a lot of that," Tristano said.

Publix introduced its GreenWise brand in the mid-1990s. Since then, the company has been growing the label and its range of health, natural and organic product lines, which have gained popularity despite higher prices. Traditional Publix stores have GreenWise sections that feature these products.

But the GreenWise Market store, which has been in development for more than two years, is devoted entirely to the concept and carries a vast array of upscale food items ranging from oils and balsamic vinegars aged more than 50 years to rare international wines and cheeses.

When shoppers enter the store, they are immediately guided into the 4,500-square-foot prepared food section, which features 10 venues grouped by distinct cuisine such as custom salads and sandwiches, Pacific Wok, and Mediterranean oven. The foods are trans-fat free and made with all-natural ingredients; some foods are prepared with organic bases, and there are a variety of vegetarian dishes available.

Company officials say they plan to introduce some of the prepared foods found at GreenWise at some mainstream grocery stores in South Florida. Opposition 91186148

Opposer's Ex. 47

The store also has an in-house cafe that serves coffees and smoothies, and shoppers can eat or rest at the 135-seat mezzanine area which is equipped with free wi-fi service.

Watch

View a sneak peek at Publix's new Greenwise grocery store in Palm Beach Gardens at [Sun-Sentinel.com/publix](http://Sun-Sentinel.com/publix)

#### INFORMATIONAL BOX:

What's in store

Publix GreenWise Market store features:

4,500-square-foot prepared foods section with curbside service and a walk-up window.

More than 300 international cheeses and a "cheese cave" that allows shoppers to age their cheese up to 25 days to their liking.

Full-service bakery offering more than 350 items, including 20 bread varieties.

Free event planning and consulting services.

Publix Aprons cooking demonstration area.

135-seat dining/leisure area with free wi-fi service.

Source: Publix

#### [Illustration]

Photo(s); Caption: Almost ready: The first Publix GreenWise Market, in Palm Beach Gardens, is set to open next Thursday. The store will compete with Whole Foods Market and others who sell higher-margin natural and organic foods, as well as gourmet prepared foods. Staff photo/Scott Fisher

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#### Abstract (Document Summary)

Publix introduced its GreenWise brand in the mid-1990s. Since then, the company has been growing the label and its range of health, natural and organic product lines, which have gained popularity despite higher prices. Traditional Publix stores have GreenWise sections that feature these products.

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### Miami Herald, The (FL)

September 23, 2007

Section: MONEY

Edition: Final

Page: 1E

## GOING GREEN

ELAINE WALKER [ewalker@MiamiHerald.com](mailto:ewalker@MiamiHerald.com)

When shoppers visit the new **Publix GreenWise** Market in Palm Beach Gardens they'll be able to buy their organic fruits and vegetables, made-to-order lobster ravioli and Tide laundry detergent. Plus, they'll find 50-year-old olive oil and wines priced at \$250 a bottle.

The prototype store, which will open to the public on Thursday, is in many ways a conglomeration of an organic grocer, gourmet specialty market, restaurant and traditional supermarket all rolled into one.

It's also **Publix** Super Markets' attempt to protect its market share from the expansion of Whole Foods Market, which continues to grow its presence in South Florida with a store opening Wednesday in Coral Gables.

**Publix GreenWise** stores are scheduled to open next year in Boca Raton, Vero Beach and Tampa, followed by Coral Springs in 2009.

"We have customers that shop at **Publix** and are going to the competition to find organic and natural products," said Maria Brous, **Publix** spokeswoman. "We want to give them a reason to stay here. We're protecting our business and continuing to engage our customers. We feel we're offering them a one-stop shopping experience."

#### NO BIG SURPRISE

**Publix's** move into the organic and natural foods arena isn't surprising given the industry trends, which have seen these products move from the counterculture into the mainstream as consumers become increasingly concerned about health and food safety. U.S. sales of organic and natural products have been growing at a double-digit pace, reaching \$28.2 billion in 2006 compared to \$23 billion the previous year, according to Nutrition Business Journal.

As far as Whole Foods is concerned, **Publix GreenWise** and the moves of other traditional grocers into the organic and natural foods segment is a case of imitation being the sincerest form of flattery.

"It's part of our mission to inspire others to imitate our format," said Juan Núñez, president of the Florida region for Whole Foods, which will have 14 stores in Florida following the Gables opening and the merger with Wild Oats. "Competition is great. Customers will have a choice. We will continue to provide what we always provide: a great experience and great value."

While just over half of all U.S. shoppers buy organic foods, research from the Food Marketing Institute shows that the most popular place for them to do that shopping is the traditional grocery store.

Those trends and the strength of the **Publix** brand will help **GreenWise** get consumers' attention, industry experts said.

"**Publix** is so well-known and well-loved in Florida, I think that a lot of people will give them a chance," said Lorrie Griffith, editor of The Shelby Report, a grocery industry trade publication. "**Publix** isn't shy about trying new things. They don't want to be looked at as a traditional grocer that's standing still."

**Publix** began introducing organic and natural products in its stores in 1996 and the **GreenWise** store brand launched in 2001 with paper towels and napkins. But the **GreenWise** market, which has been in the works for several years, includes a selection that dwarfs anything the chain has done before. Almost 50 percent of the thousands of organic and natural products can't be found at any other **Publix** store, Brous said.

TRADITIONAL, TOO

Opposition 91186148

Opposer's Ex. 48

Along with the rows of organic salad dressings, juices and cereals, there are plenty of traditional, brand-name products like Cheerios, Kraft mayonnaise, Philadelphia cream cheese, Jell-O pudding and Lean Cuisine frozen meals. But there isn't nearly the depth and breadth of traditional selections and some key products are missing like Coke and Pepsi.

"We didn't want to alienate our traditional customer base," Brous said. "We want our mainstream customer to also feel comfortable in this store."

That's a totally different strategy than the competition. At Whole Foods, the entire focus is on natural and organic products. There's nothing in the store that doesn't meet the company's strict environmental standards. Looking for diapers or paper towels? Don't expect to find any Pampers or Bounty.

"This is not something we do, it's everything we do," Núñez said. "It's our mission and it's something we truly believe in. We did it to make a difference and because we're cause-oriented."

What both **Publix GreenWise** and Whole Foods have in common is a store atmosphere that aims to cater to the time-starved customer who is looking for convenience and the gourmet foodie who is looking for specialty products.

At the new Whole Foods in Coral Gables, some of the features new to South Florida stores include a hardwood smoker and BBQ bar, in-store coffee roaster, grilling station and Asian Express featuring sushi, noodle bowls and teriyaki selections by local restaurant Sushi Maki. The store will also eventually offer valet parking.

#### FINE AMENITIES

At **Publix GreenWise**, the front of the store features 10 specialty stations, with more than 100 prepared foods that customers can buy to take home or eat upstairs in the mezzanine area. The selections include a Mediterranean oven with fresh-baked pizzas, a wok station with Asian specialties, custom-made salads and a carvery.

Some of these may start showing up over time at traditional **Publix** stores.

"Customers rely on us to be a food solution for them," Brous said. "Our customers are eating out more and they're looking for other options."

#### PLANS FOR FLORIDA

**PUBLIX GREENWISE MARKET** \* First store: Palm Beach Gardens, opens Thursday \* Opening 2008: Boca Raton, Vero Beach and Tampa \* Opening 2009: Coral Springs Key store features: \* Specialty food stations with more than 100 prepared foods, including Mediterranean fare, pacific wok, a carvery and custom made salads. \* Curbside pick-up \* Coffee, smoothie and espresso bar with walk-up window \* More than 350 varieties of gourmet cheese, including a cheese cave for aging \* In-store dry-aged beef \* Event planning coordinator \* Aprons cooking demonstration area

**WHOLE FOODS MARKET** \* Newest Florida store: Coral Gables, opens Wednesday \* Number of stores in Florida: 9 \* Florida Wild Oats stores to be converted: 5 \* Future stores planned South Florida: Downtown Miami, late 2009 or early 2010, and Pembroke Pines, late 2008 or early 2009 \* Other expansion plans: Wellington, Naples, Orlando and Jacksonville \* Looking for new locations to expand existing stores: Plantation and Aventura Key store features: \* Hardwood smoker and self-service BBQ Bar \* Grilling station \* In-store dry-aged beef \* Brick oven pizza hearth \* In-store coffee bean roaster \* Asian Express food by Sushi Maki restaurant \* Valet parking (coming soon)

Go to Today's Extra's to view a slideshow and to read documents related to the story

PHOTOS BY TOM ERVIN/FOR THE MIAMI HERALD NEW AND IMPROVED: **Publix** employee Ralph Ferraro works the grill at **GreenWise** in Palm Beach Gardens, which also has a Mediterranean oven with fresh-baked pizzas, a wok station with Asian specialties, custom made salads and a carvery.

GOURMET: The **GreenWise** Market bakery pumps out a selection of fresh, gourmet tarts.

MARICE COHN BAND/MIAMI HERALD STAFF FINISHING TOUCHES: Tracy Hammel, Whole Body Team Teacher for the Coral Springs Whole Foods, works on placing the last few products on the shelves before opening day for the Whole Foods in Coral Gables.

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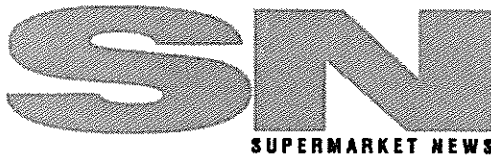
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## Publix Debuts Greenwise Market Format

Mon, 2007-09-24 12:00

[Supermarket News](#)

[Christine Blank](#)

CHRISTINE BLANK

**PALM BEACH GARDENS, Fla.** — Publix Super Markets' first freestanding Greenwise Market here is an upscale twist on the company's traditional supermarkets, with additional epicurean flair and eco-friendly features.

The 39,000-square-foot store in the new Legacy Park Shopping Center, near PGA National Resort, features a futuristic circular design. Customers shop the fresh perimeter departments of the store in a circular pattern, and each section has a rounded design with metal signage and tiles in muted greens.

"We knew we wanted a traditional grocery store meets a traditional natural store meets a culinary experience," said Maria Brous, director of media and community relations for Publix. "It is pleasant and convenient for traditional shoppers, and for foodies, it is going to offer the best of both worlds," she added.

SN was given a preview tour of the inaugural Greenwise store last week during a test of the prepared-foods area ahead of the store's scheduled opening to the public this week.

The Palm Beach Gardens location, in an area with a median annual household income of about \$63,800, is the first of five Greenwise Markets that Publix plans to open in Florida by late 2008 or early 2009. The other stores are planned for Boca Raton, Vero Beach, Tampa and Coral Springs.

Competitor Whole Foods Market is about a mile away, as is a traditional Publix store.

"If they can't get items at our spinoff banner, we wanted to make sure there was another store close by that would meet their needs," Brous said.

Publix took a few years to open its first freestanding Greenwise store in order to work out the kinks involved in forming a new natural and epicurean brand.

In addition, Publix took about two years to hire and train the right people — including some former health food store owners.

Publix is also working to obtain the U.S. Green Building Council's LEED certification for the location. The store's features include skylights and automatic controls that trigger compact fluorescent lights to operate at one-third, one-half or full capacity.

Many natural materials were used in construction, such as wall panels made of sugar cane and corrugated metal. The roof features a soy-based coating designed to reduce heat loads on the building. All fresh waste is composted.

Opposition 91186148

Opposer's Ex. 49

Meanwhile, the organic and natural focus of the Greenwise brand — a label Publix uses in the organic sections of its traditional stores — is quietly woven into this store. Natural and organic products are integrated with traditional products, and there are no large “organic” and “natural” signs that identify those products or call attention to the fact that the store recently received organic certification.

However, organic and natural products are included in every dry grocery and frozen aisle and in most fresh sections. In the frozen foods section, for example, Boca Burger and Gardenburger selections are a couple of doors away from Stouffer's frozen dinners.

The mix of organic vs. traditional products varies by department, but produce and bakery feature the highest percentage of organic items — about 70%, depending on the time of year and other factors.

In addition, color-coded tags in the bakery and other fresh areas let customers know how organic the products are. All-brown tags with the USDA Organic seal signify that the product is 100% certified organic, and two other tags that are brown and white signify products that are “made with organic ingredients” and products that are “all natural.” If the tag is white with no brown, the item is conventional.

Greenwise does not look like a traditional health food store, except in certain departments, such as the store's bulk aisle and its organic cafe and smoothie bar. The HBC area, featuring organic skin care products and supplements, most closely resembles a natural food store with its low wooden shelving and blue signage identifying “skin care” and other product categories.

Instead, the store presents an old-world European open market feel, featuring upscale cheeses and a cheese ager, breads and tarts made in front of customers, and meats, pizzas and sandwiches made to order.

The open-air deli section includes food stations similar to the food court-type store that Publix opened in Lake Mary, Fla., earlier this year. The Carvery includes meats and entrees; The Grill features upscale hamburgers and breakfast items; the Mediterranean Oven includes wood-fired pizzas, lasagna and other Italian entrees; and the Sandwich station features traditional Publix subs along with other specialty sandwiches, made with Boar's Head meats.

Customers can also have salads made to order, or select specialty salads, including an upscale Cedar Plank Salmon Salad for \$10.29.

The prepared foods section of the deli features 40 different entrees and sides, made fresh daily.

Bakery items — including organic flax sunflower bread and bran-oat muffins — are all made from scratch. In most other Publix stores, many bakery items are shipped from distribution centers. And, with Greenwise's open layout, customers see employees baking items behind the counters.

“We think it's more aesthetically pleasing, and it is a more authentic look, like old-world bakeries,” said Dwaine Stevens, a spokesman for Publix.

The “Gelato, Coffee, Juice” bar features smoothies for an average of \$4.99 each, along with several organic coffee and latte options.

After customers buy their latte or meal, they can sit upstairs in the 6,800-square-foot mezzanine seating area. It features wireless access, tables and stuffed chairs, plus a separate meeting room.

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**Source URL:** <http://supermarketnews.com/retail-amp-financial/publix-debuts-greenwise-market-format>

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## Publix Educates Shoppers on Natural, Organic and Earth-Friendly Foods

Mon, 2007-12-03 12:00

[Supermarket News](#)

[Christine Blank](#)

CHRISTINE BLANK

Publix Super Markets has found a unique, interactive way to promote its new GreenWise Market format, which opened in Palm Beach Gardens, Fla., this fall.

The Lakeland, Fla.-based chain has just launched an interactive, educational website, [publixgreenwisemarket.publix.com](http://publixgreenwisemarket.publix.com), that helps explain the difference between foods that are considered “eco-friendly,” “natural” and “organic,” among other topics.

Using Flash technology, a character dressed as a Publix associate says to visitors, “Hey, maybe you're new to this. What's the difference between organic, all-natural and earth-friendly, anyway? I'm going to show you why making Publix GreenWise Market a part of your life is smarter and easier than you might think.”

Publix used a person virtually talking to customers “to make sure that our customers and future customers really understand what Publix GreenWise Market stands for, and what the terms ‘all-natural,’ ‘organic’ and ‘earth-friendly’ mean,” said spokesman Dwaine Stevens. “Sometimes it's easier to explain these terms verbally than in writing.”

“While the term ‘organic’ is regulated, the term ‘all-natural’ is loosely defined. We wanted to help our customers understand exactly what they were buying when they picked up a product that is labeled organic or all-natural,” Stevens explained.

After his video intro, the character then directs visitors to select from one of the educational topics — Organic, All-Natural and Earth Friendly — on the front page for further information.

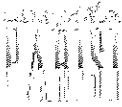
The site also includes tips for choosing organic foods and natural cleaners, including lists of “Top Organic Picks for the Kids” and “Naturally Sweet Air Fresheners.” Recipes using natural and organic foods are also provided.

---

**Source URL:** <http://supermarketnews.com/meals/publix-educates-shoppers-natural-organic-and-earth-friendly-foods>

Opposition 91186148

Opposer's Ex. 50



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## NEW ORGANIC PUBLIX IN BOCA RATON



### PUBLIX HAS GONE GREEN IN BOCA RATON

We're all paying closer attention to the things we eat and looking for food choices that are less processed and more healthy. I know I am trying to avoid additives and chemicals. I want to eat food that I can feel good about.



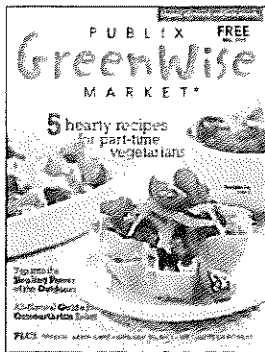
Publix Super Markets are catering to those of us who are becoming more health-conscious with the opening of Publix GreenWise Market near Town Center at Boca Raton.

Those who own Boca Raton homes in the area will enjoy Publix GreenWise Market's fresh perspective on delicious and environmentally friendly products. Area residents will have a broader range of smart food choices with excellent quality and value, along with earth friendly recycled products like paper towels.

Publix has its own brand of GreenWise organic products that are raised without added growth hormones, synthetic antibiotics, steroids, pesticides or fertilizers. It's a great choice for the family. GreenWise Markets also carries other trusted brands of all-natural, organic and earth friendly products.

GreenWise products are available in all Publix stores, but there is a wider selection at the GreenWise locations.

Fine wines from around the globe, artisan cheeses, handcrafted deserts and breads, even natural body care products: Publix GreenWise Market covers all your shopping needs.



Sometimes you just don't know where to begin when you're pursuing a healthy lifestyle that includes natural and organic foods and products. Publix offers a free 12 month subscription to Publix GreenWise Market Magazine with articles that cover everything from natural food choices, health and nutrition, to fitness and prevention. It's just one more way that Publix is helping their customers make healthy lifestyle changes.

The first Publix opened in 1930 and now the company is employee-owned. With more than 142,000 employees, it's one of the fastest growing supermarket chains in the United States. One of the company's founding principals is a commitment to promoting community involvement in the market areas they share.

Publix actively supports the Special Olympics, March of Dimes, Children's Miracle

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If you have been living in Boca Raton or are new to the area, I highly recommend Fitness First of Boca Raton. It is centrally located on the SW corner of Boca Rio Road and Glades Road. I joined Fitness First over a month ago and have had nothing bu...

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**GW 002076**

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**Opposer's Ex. 51**

**4/27/2009**

Network, United Way and Food or All, in addition to contributing to thousands of local projects and charities,

My Blog

The company firmly believes that community commitment contributes to their success and makes Publix a great place to work and shop.

Login

The GreenWise Market will replace the former Publix located at Boca Village Square; 21230 St. Andrews Blvd. Hours are from 7:00 am to 10:00 pm daily.



Related Links:

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Date: Wednesday, June, 4th 2008 @ 10:20:00 PM  
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This blog entry currently has 2 comments posted.

**Toronto real estate agent**

One interesting thing about real estate is that it is not only the realty but also it's surroundings that generate the price. I'm dealing with Toronto condos and in my view there are two major factors in real estates. One thing is the neighbourhood and the other one is shopping and entertainment opportunities. And in our modern time one grocery store is not sufficient enough. People are now interested in living healthier and traditional food items are on the decline. Low sugar, fat, low-everything is now important. I guess it is not wrong to be a bit more selective in your diet, but enough is enough. Some 15-20 years ago, people didn't have to choose from so many extraordinary items and they were happy nonetheless.

**Jason**

I have definitely become much more conscience that I ever have been with regards to the food I ingest. I will be moving to Boca very soon as I recently purchased some Boca Raton real estate and I will be looking for healthy foods in that area. It's good to know that the area will make it easy to eat right.

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**GW 002077**



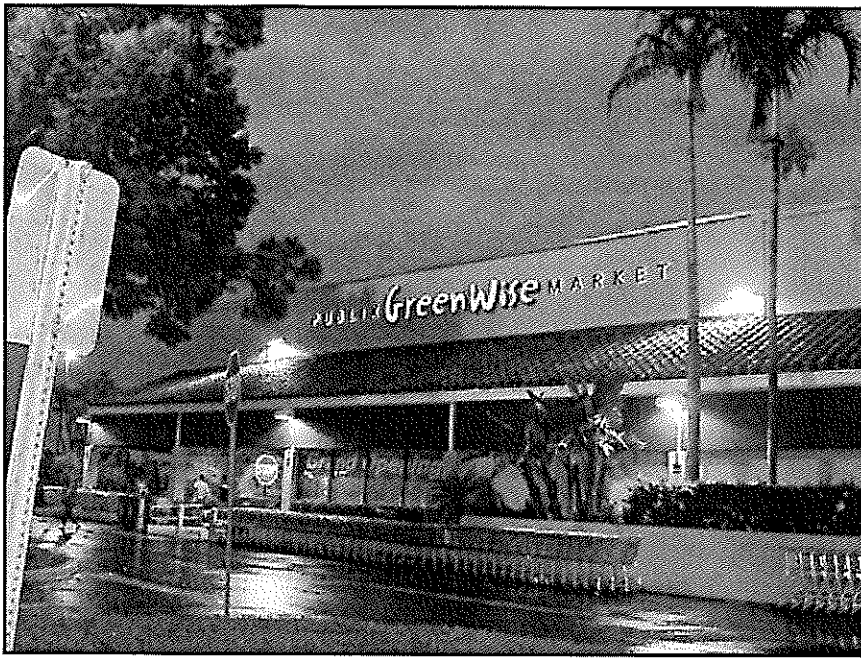
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## Publix GreenWise Market Offers One Stop Healthy Grocery Shopping

By [Anna@Green Talk](#) June 25, 2008 – Posted in: [food](#), [Home Products](#)

Opposition 91186148

Opposer's Ex. 52



This week while vacationing in South Florida, I visited a Publix GreenWise Market Store, a "green" grocery store. Just to give you a frame of reference, Publix is an upscale grocery store located throughout the Southeast. When I lived in Florida, I found that they had the nicest fresh vegetable and fruit selection although pricier than competing grocery stores.

I was intrigued by the concept of a convenient chain grocery store that had created a green grocery store. Would this store legitimately compete with Whole Foods? Was it going to be another greenwashing store trying to jump on the green gravy train?

I spoke to several employees while in the store to gain a perspective about the store. According to the staff, the store was created as a one-stop grocery store for those wishing to buy healthier groceries. Like many of us, we may buy organic grocery items at a health food store or Whole Foods, but still need to drive to another conventional grocery store to obtain staples that we would not ordinarily buy at speciality grocery stores.

Of course, the words, "natural food," sent a can of Ragu flag waving. I was told that natural foods meant the foods were minimally processed and contain no artificial colors, flavorings, preservatives or sweeteners. The GreenWise brands stated on their packaging that they contained either natural or organic ingredients.

In addition, the store contains several departments including a prepared meals, wine store, and deli section. The Company's website provides a description of the types of foods contained in their departments. The prepared foods were not organic and there were no signs saying they were prepared with natural ingredients. However, their deli contained conventional deli meats as well as natural choices such as the Boar's Head® All-Natural Meats specially developed, according to the website, for the Publix GreenWise Market stores "containing no artificial ingredients, chemical preservatives, phosphates, sodium erythorbate, or MSG. The meat and poultry used for these exceptional products are also raised without antibiotics or added hormones."

In visiting the wine department, they had a nice selection of organic wines. I immediately recognized wine made by Frye, an organic California wine maker.

In speaking with one of the meat employees, I asked the difference of a particular cost of meat which was a Publix brand versus a GreenWise brand. He estimated perhaps a \$2 per pound difference since he did not have exact cuts of the two different brands to compare. I did not see much of a selection of organic meat. The predominant meat

choice was the “natural” GreenWise brand. According to the website, the GreenWise brand of meat, poultry, and pork are raised humanely “with no antibiotics or added hormones—ever—on a 100% vegetarian diet.”

My husband is the grocery shopper in the family since he is much more cost concious than me about what we buy grocery wise. I usually am in a hurry and will pick up anything that says organic on the label, and won't look at the price. He said that it seems that the prices were better than Whole Foods but without doing a direct comparison he was not sure. Our prices in NJ might be more or less than South Florida. If you live in the South Florida area, I would be curious if you find the prices are better at GreenWise.

We visited the store with a friend who was very happy to see that this store carried a particular yogurt that she loves. Prior to her visit to this store, she had to drive around town to find her yogurt. Since she ordinarily shops at Publix, this store would fit her definition of one stop shopping.

Some could coin this type of store as a way to reduce your carbon footprint by reducing the number of places you need to drive to obtain food items on your grocery list. However, I think it would depend on how far you would have to drive to go to this particular store versus the number of other stores. I guess a story in itself!



As we left, I noticed that the grocery bags offered were biodegradable. They even recycle egg cartons at this store.

I found the employees extremely helpful. With two stores located in Boca Raton and Palm Beach Gardens, I hope that Publix continues this trend.

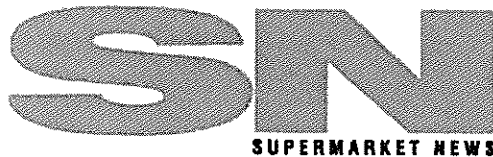
Perhaps, if Publix can show the rest of the world that this idea works, many other chain grocery stores will open simliar stores to make it easier for people to live a healthier lifestyle.

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## STORE-IN-STORE SECTION: Publix Super Markets

Tue, 2008-07-01 12:00

[Supermarket News](#)

[Kelly Gates](#)

KELLY GATES

One of the country's leading retailers in the art of store-in-store management is Publix Super Markets, Lakeland, Fla. With health and wellness at the forefront of consumers' minds these days, the retailer has created stand-alone GreenWise sections at many of its locations and is using the name to launch a stand-alone format.

These mini, in-store health marts are stocked with GreenWise-branded natural and organic products as well as national food and nonfood items. The process of determining which stores will have separate GreenWise sections is very detailed, said Publix spokeswoman Maria Brous.

“Most of our larger stores have GreenWise sections while smaller formats might have a variety of Publix brands, including GreenWise products, merchandised together within the aisles,” she said.

Most in-aisle collections of Publix products are bumped out to draw attention to them. Special signage is also hung to highlight the sections. Along with square footage, the retailer also relies on customer feedback when revamping store layouts.

“We ask our customers how they prefer to shop and set up stores accordingly,” said Brous.

The store-in-store GreenWise sections have gotten such rave reviews from shoppers over the years that Publix eventually branched out with entire stores devoted to the GreenWise theme. In September 2007, the first GreenWise outlet was opened in Palm Beach Gardens, Fla., followed by one in Boca Raton. Additional stores are scheduled to be built in Vero Beach, Tampa, Naples and Coral Springs over the next few years. The units carry an assortment of Publix's GreenWise and nationally branded products. An extensive selection of healthful prepared foods is also sold there.

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**Source URL:** <http://supermarketnews.com/center-store/store-store-section-publix-super-markets>

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## Organic Publix coming to SoHo

Dalia Col?n, Times Staff Writer  
Posted: Jul 18, 2008 10:04 AM

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To go green, South Tampa residents don't have to go far.

The area is home to grocers that focus on natural or organic foods, including Whaley's Market, the Village Health Market and Nature's Harvest Market. Starting this fall, Publix hopes to get a piece of that action.

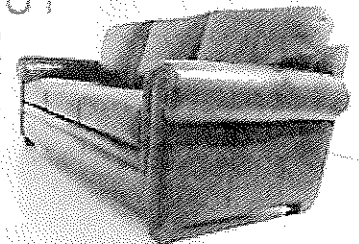
Tampa Bay's first Publix GreenWise Market is under construction in SoHo on West Azeele Street, between Armenia and Moody avenues, next to the Dubliner Irish Pub. It's scheduled to open in late October or early November, said spokeswoman Shannon Patten.

The store, which emphasizes earth-friendly and all-natural products, will be the company's third GreenWise Market. The other two are in Palm Beach Gardens and Boca Raton.

The 39,000-square-foot market will have its own second-story parking garage and will feature a large selection of

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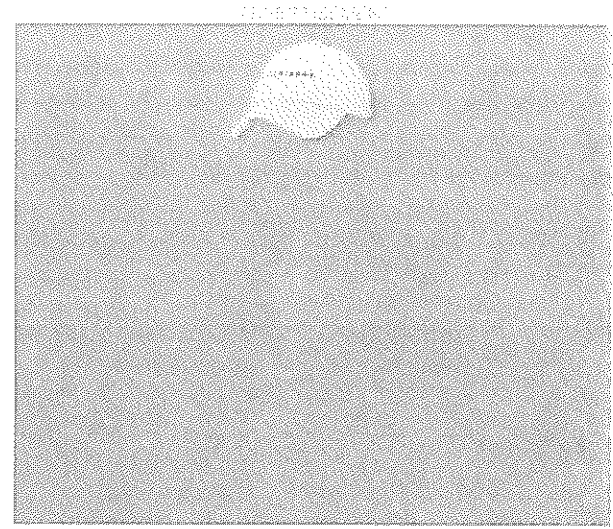
prepared foods, including gluten-free breads, a soup bar and black bean burgers fresh from the grill. A cafe will offer coffees, teas and desserts, plus a seating area with free WiFi.

In the wine department look for an on-site expert to field questions about the specialty vinos, champagnes and wines made from organic grapes. Also planned is a body-care section with natural and conventional shampoos.

Of course, driving to another supermarket to stock up on not-so-green staples would increase your carbon footprint, so the store will carry conventional products like Coca-Cola and Huggies.

[Last modified: Jul 23, 2008 04:42 PM]

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**Publix to open GreenWise Market**

Tallahassee Democrat - Tallahassee, Fla.  
 Author: Dave Hodges DEMOCRAT BUSINESS  
 Date: Sep 14, 2008  
 Start Page: A.16  
 Section: Main  
 Text Word Count: 498

**Document Text**

The former Albertson's grocery store at 1925 N. Monroe St. will become a Publix GreenWise Market once remodeling is complete, the Lakeland-based Publix supermarket company says.

No opening date has been announced. Publix spokeswoman Maria Brous said the store's opening depends on the company's final conversion plan, the permits needed and completion of the remodeling.

Featuring an expanded line of organic and natural foods, along with other products for health-conscious shoppers, the GreenWise Market has already made an appearance in South Florida. The first was in Palm Beach Gardens in September 2007. The Boca Raton location debuted May 29.

A third will open in Tampa the fourth quarter of this year.

"The difference in the Publix GreenWise Market is the hybrid of product," Brous said. "There are more health, natural and organic foods, more concentration of prepared foods." The store also incorporates conventional grocery products.

Each offers an expanded produce department with both organic and conventionally grown vegetables. A floral department is available with a cooler designed to keep flowers fresher longer.

A dedicated body-care section offers customers a wide selection of natural and conventional lines of homeopathy, herbals, aromatherapy, shampoo, cosmetics, body care, vitamins, minerals and supplements.

Shoppers can find various fresh meats that have never had any antibiotics or added hormones while being fed a 100-percent vegetarian diet. A temperature and humidity-controlled meat cabinet, called a dry-aged meat cabinet, is available to customers to age meat, which enhances its flavor and tenderness.

The seafood department offers wild and farmed-raised varieties of fresh fish as well as an extensive variety of shellfish options, including lobsters.

Brous said the response thus far from customers has been positive.

Bill Greer, director of communications for the Food Marketing Institute in Arlington, Va., says changes are occurring in consumer preferences. "It's a nationwide trend. A lot of supermarkets are trying to meet the consumer demand for products that deliver health and wellness."

Nowadays, people want to do something about their diets and what they eat. Supermarkets are responding in a variety of ways, including dieticians available in stores, nutritional counseling, even store tours where customers can find out more about product offerings and dietary information.

Major chains also are offering their own store-brand organic products at a lesser cost. In fact, the institute's own study, "The Food Retailing Industry Speaks," showed that the number of retailers with store-brand organic products climbed from 46 percent in 2007 to 60 percent this year.

"Consumers have grown more sophisticated in their understanding of the link between diet and health," Greer said. Food companies, in turn, are responding with more information about health impacts of food and more choices for consumers.

Opposition 91185143

Publix announced June 9 it was acquiring 49 Florida stores from Albertson's LLC. The transaction closed last Monday and transfers the Monroe Street and Thomasville Road stores to Publix. Albertson's will continue to own and operate the store on West Tennessee Street.

Opposer's Ex. 55

\* Contact Democrat Business Editor Dave Hodges at (850) 599-2321 or dhodges@Tallahassee.com.

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**Abstract** (Document Summary)

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# Publix GreenWise Market Is No Traditional Store

## Publix GreenWise Market Is No Traditional Store



Opposition 91186148

Opposer's Ex. 56

ATOYLA DEANS | ST. PETERSBURG TIMES

### Buy photo

Employee Jean-Ann Botner walks through the GreenWise in Hyde Park during a tour and food tasting.

By MARK ALBRIGHT  
ST. PETERSBURG TIMES

Published: Tuesday, November 4, 2008 at 9:10 p.m.  
Last Modified: Tuesday, November 4, 2008 at 10:32 p.m.

*TAMPA* - For \$6.99, there's a Peruvian quinoa salad or a vegan black bean burger on organic bread. The stuffed pepper laced with tofu and barley goes for \$7.49. A pound of edamame caviar salad fetches \$7.49.

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- [Publix Recalls Seasoning Mixes Over Possible Salmonella Contamination](#)

But Publix deli fried chicken was banished in favor of a baked alternative that seems healthier - until you learn the crispy coating is soaked in buttermilk.

Publix GreenWise Market is nothing like the 1,000 traditional stores run by the nation's fourth-largest supermarket chain.

The Lakeland company's first Bay area take on a natural/organic supermarket opens Thursday in Hyde Park at Armenia Avenue and W

- [Publix Recalls 4 Seasoning Mixes Over Salmonella Worries](#)
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Azeele Street. It's the third of the chain's experimental GreenWise chain after Boca Raton and Palm Beach Gardens and the first built from the ground up. Two more will take over former Albertsons locations in Tallahassee and Winter Park. A hybrid will be branded as a Publix in Naples. **(There are no plans for a Polk County store.)**



The curious should bring an appetite. And extra cash. That's unless they can withstand the temptations of over-the-top displays, flashy exhibition cooking and tantalizing scents of an array of freshly prepared foods made to be eaten at a 45-seat patio or taken home and microwaved.

"This store is all about the shopping experience and the food," said Shannon Patten, Publix spokeswoman.

Publix pulled out all the stops. There's an open-flame broiler and wood-fired pizza oven. The men's room has waterless urinals and an LED message board on the mirror flashing the date and time. Stainless-steel elevators and escalators ferry carts and shoppers to the roof-top garage.

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DANIEL GERENA, left, and Scot

Hill prepare food at the Mediterranean Oven station at the Hyde Park GreenWise.

[Buy photo](#)

ATOYIA DEANS | ST. PETERSBURG TIMES

All that restaurant-quality food requires seven trained chefs and a staff of 190 - 50 more than a traditional Publix and a third larger.

Each employee has a pager so there aren't any PA interruptions for "cleanup on Aisle 6." Lottery tickets and Western Union services, Publix decided, don't fit the theme, either.

While GreenWise stocks top-selling basics like Cheese-Its and Colgate, the brown shelf tags for natural/organic foods dominate.

If this seems a bad time to unveil a supermarket stuffed with premium-priced organics, natural foods and top-of-the-line gourmet fare, welcome to the club. Whether those committed to foods made without artificial color, preservatives, pesticides or antibiotics stick to their guns as the economy and their discretionary income goes south remains to be seen. Already, sales and profit at chains like Whole Foods Natural Markets have softened dramatically.

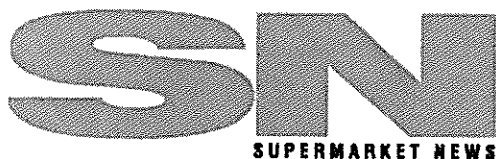
GreenWise Market, however, is Publix's competitive answer to Whole Foods and others like Fresh Market that moved into its home state to skim the cream in top-income neighborhoods.

That's why the GreenWise food court and bakery is twice the size of what's found in Whole Foods. The prices are a tad lower. And the high-end selection goes higher. For instance, free-range chicken is only the starting point in a meat department that leaps above Whole Foods to 20 styles of fresh sausage, USDA prime beef and \$64-a-pound Kobe steaks.

Publix runs GreenWise stores separately with their own advertising, coupons and products that cannot be special-ordered from other Publix stores.

This story appeared in print on page C8

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## Publix Ready More GreenWise Sites: Report

Wed, 2008-11-05 06:00

*Supermarket News*

LAKELAND, Fla. — Publix Super Markets here will open the newest location of its GreenWise store concept this week in Hyde Park, Fla., marking the debut of the natural/organics format in the Tampa Bay area, the St. Petersburg Times reported Tuesday. The opening of the store Thursday will mark the third store in the GreenWise chain and the first built from the ground up, the report added. GreenWise debuted in renovated Publix stores in Boca Raton, Fla., and Palm Beach Gardens, Fla., last year. Additional locations are planned for former Albertsons locations in Tallahassee and Winter Park, the report said.

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Opposition 91186148

Opposer's Ex. 57

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## Publix Debuts GreenWise Publix In South Tampa

By MICHAEL SASSO

[msasso@tampatrib.com](mailto:msasso@tampatrib.com)

Publix GreenWise Market's niche is natural and organic groceries, but what will catch your eye is its medley of gourmet prepared foods - made with natural, organic and conventional ingredients.

The new 39,000-square-foot store boasts 10 individual "culinary venues," stations that serve different styles of fresh, prepared foods. This week, the Mediterranean Oven station was serving spinach and mushroom lasagna, among other dishes. The Chef's Selection area was serving up such items as herb-stuffed meatless portabella.

If the nation is in a recession, it doesn't appear to be stopping Lakeland-based Publix Super Markets from targeting affluent shoppers.

Publix debuts its first Tampa Bay-area GreenWise Market at 8 a.m. today at 2403 W. Azeele St. in Tampa. After today's opening, store hours will be from 7 a.m. to 10 p.m. seven days a week.

The company has opened GreenWise stores in Boca Raton and Palm Beach Gardens, and is planning two more in the Orlando and Tallahassee areas.

The company won't say how much it spent on the new Tampa store, located in the Hyde Park neighborhood. But the land alone, which sits between Howard and Armenia avenues, cost \$3.5 million, according to property records. Inside the store, Publix built escalators so shoppers can move between two floors of parking located above the store.

Food and product prices at the new store are comparable to other Publix stores for similar items, spokeswoman Shannon Patten said. However, shoppers may wind up paying more if they splurge on some of the pricier items exclusive to GreenWise.

For example, GreenWise only carries Boar's Head cold cuts, which generally are more expensive than store-brand meats and cheeses. Most Publix stores have Boar's Head and lower-priced Publix-brand cold cuts. Also, fans of gourmet Japanese kobe beef will dish out \$35 to \$70 a pound at GreenWise.

Opposition 91186148

Opposer's Ex. 58



## US: Publix goes green, opening GreenWise Market

Publix joins the trend to a fresher, greener lifestyle. It opens its third Publix GreenWise Market in Florida, this time in South Tampa. Step into Publix's newest concept store and you'll have a sensory overload of sights and smells.

"We want you to smell the food, taste the food ask our experts and enjoy the overall experience Publix GreenWise has to offer," says Shannon Patten, Publix spokesperson.

The Bay area's first Publix GreenWise store combines its line of natural, organic and earth friendly products with everyday brands.

"We want to raise our children as healthy as possible," says mother of two Vera Reilly. The Tampa mom has no trouble filling up her shopping cart with her favorite healthy items for her family including 4 and 2 year old boys.

"The products we look for milk, eggs, fruits a variety of fruits here pretty amazing. The meat section is pretty amazing. I'll have to bring my husband to see it."

There's 32 feet of fresh cut meats to choose from, including the \$64 a pound Kobe steak. There's freshly made ready to eat sushi and a section of mostly farm raised seafood.

For those with a more adventurous palette, there's an Artisan Cheese section offering more than 300 kinds of cheeses and a wide selection of wines.

If you're avoiding carbohydrates, avoid the bakery.

"We bake our own bread, our own croutons, everything from scratch. We have a chocolate fountain, can get anything from a pretzel to an apple hand dipped every day," says Patten.

The 39,000 square foot store is a third smaller than most Publix stores, but has 50 more employees offering customer service with experts on hand. The prepared food section offers more than 100 varieties of restaurant style lunches and dinners prepared by culinary chefs.

"We have 10 culinary venues to choose from pasta dishes, gourmet burgers, vegetarian dishes and meals for vegans," adds Patten.

If you're not used to shopping for natural and organic foods figuring out which is which? The white tag is your traditional grocery store item and the brown tag is the natural or organic. And the Public GreenWise Market will have the same type of sales you're used to seeing at the traditional Publix stores. There's the GreenWise sales ads and the buy one get one offers.

Publix officials say the "you can have it all" market concept is popular; Publix will open stores in Orlando and Tallahassee. The first two GreenWise Market stores opened in Boca Raton and Palm Beach Gardens.

Prices are the same as those at traditional Publix stores. Store officials say their prices for natural and organic foods are lower than their competitors.

We did some checking and compared prices with another popular health food store, Whole Foods. We found a pint of organic strawberries cost \$2.99 at GreenWise, two dollars less than Whole Foods. Organic grapes at Publix cost \$1.69 per pound compared to \$3.99 per pound at the other store.

Source: tampabays10.com

Publication date: 11/7/2008

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Opposition 91186148

Opposer's Ex. 59



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## Publix GreenWise Debuts in Tampa

Nov 11, 2008

Publix debuted its first Tampa Bay-area GreenWise Market last Friday. The new 39,000-square-foot store boasts 10 individual "culinary venues," stations that serve different styles of fresh, prepared foods.

If the nation is in a recession, it does not appear to be stopping Lakeland-based Publix Super Markets from targeting affluent shoppers. The company has opened GreenWise stores in Boca Raton and Palm Beach Gardens, and is planning two more in the Orlando and Tallahassee areas.

The company will not say how much it spent on the new Tampa store, located in the Hyde Park neighborhood.

But the land alone, which sits between Howard and Armenia avenues, cost \$3.5 million, according to property records. Inside the store, Publix built escalators so shoppers can move between two floors of parking located above the store.

Food and product prices at the new store are comparable to other Publix stores for similar items, spokeswoman Shannon Patten said. However, shoppers may wind up paying more if they splurge on some of the pricier items exclusive to GreenWise.

### Links referenced within this article

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## How do Publix GreenWise Market's prices compare?

Sharon Ginn, Times Correspondent

Opposition 91186148

Published Wednesday, November 12, 2008

Opposer's Ex. 61

SOHO

Publix GreenWise Market has drawn overflow crowds since its long anticipated grand opening Nov. 6. Last weekend, *City Times* compiled a short grocery list of common health-conscious products and went shopping to see if the GreenWise prices were worth the wait when compared to three other organic and natural food stores already in the South Tampa area.

The bills at Whole Foods Market and GreenWise were almost identical. Both are just under 40,000 square feet and offer a range of products, though GreenWise may have more conventional items and larger deli and bakery sections.

The bills were about \$6 higher at the smaller Village Health Market and Rollin' Oats. They don't have their competitors' buying power, but tout friendly service and wide selections of nutritional supplements.

"We operate a little differently than a lot of those other large stores," said Rollin' Oats chief financial officer Mike Asher. His company bought a struggling Nature's Harvest store in September and plans to remodel and expand product selection soon.

At Village Health Market, brothers Roni and Dave Levy carry nothing that doesn't fit into an organic or natural- foods lifestyle. They also contact customers through e-mail. Business is "actually up from last year," Roni Levy said.

	<b>Publix GreenWise Market, 2403 W Azeele St.</b>	<b>Rollin' Oats (formerly Nature's Harvest) 1021 N MacDill Ave.</b>	<b>Village Health Market 3225 S MacDill Ave.</b>	<b>Whole Foods Market 1548 N Dale Mabry</b>
Organic bananas	\$0.99/lb.	\$0.99/lb.	\$1.09/lb.	\$0.99/lb.
Organic gala apples	\$1.69/lb.*	\$2.69/lb.	\$2.09/lb.	\$1.99/lb.
Organic Valley skim milk, half-gallon	\$3.99	\$4.15	\$3.99	\$3.99
Boca Burgers, four-pack	\$4.53	\$4.49	\$5.49	\$3.99
Eden Organic Black Beans	\$1.69	\$1.99	\$2.29	\$1.79
Cascadian Farms Honey O's cereal	\$3.99	\$4.79	\$5.79	\$3.99
Newman's Own Marinara, 24 ounces	\$2.69	\$4.19	\$4.59	\$2.99
Seventh Generation dishwasher detergent, 45 oz.	\$4.99	\$6.29	\$6.99	\$5.49
Earth's Best baby food	\$1.09	\$1.15	\$1.19	\$0.95

Stacey's Pita Chips, 6 ounces	\$3.29	\$2.39	\$3.19	\$2.79
Boneless, skinless, all-natural chicken breast	\$5.99/lb.	\$7.99/lb.	\$4.99/lb.	\$5.99/lb.
Total	\$34.93	\$41.11	\$41.69	\$34.95

\* Sale price. Prices were surveyed Nov. 6-10; totals reflect 1 pound each of items sold by the pound.

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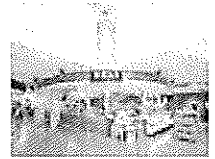
## Publix Goes Green

by Richard Mitchell

Opposition 91186148

Opposer's Ex. 62

*Posted: February 23, 2009*



Publix Super Markets Inc. has become one of the U.S.' most prominent protein merchandisers by leveraging higher-end products that emphasize quality.

The Lakeland, Fla.-based operator's focus on healthy eating, however, is not limited to its conventional supermarkets. Publix now is pushing further into the wellness sector through its new Publix GreenWise Market stores.

The Florida outlets, situated in Palm Beach Gardens, Boca Raton and Tampa, offer extensive arrays of "earth friendly" items, including many natural and organic products.

Meat departments, for instance, have expansive 32-foot-long full-service counters containing only natural proteins.

The majority of items in the self-service meat case are natural or organic, and natural proteins also are being added to delis.

Stores also have environmentally friendly elements. The Palm Beach Gardens outlet features skylights and a sensing system that monitors daylight entering the locations and adjusts fluorescent lighting accordingly.

In addition, locations have secondary coolant systems and refrigerants to reduce ozone-depleting substances and use energy-efficient LED lighting in refrigerated cases, coolers and systems.

Renewable resources, such as bamboo in sales fixtures, also are used whenever possible, the company notes.

A Publix spokesperson says the main GreenWise customers are interested in healthier lifestyles, meal solutions and indulgences.

She notes that the stores are positioned as pilot operations. Products and procedures that prove successful are likely to also be added to traditional Publix outlets. There are 952 Publix stores in Florida, Georgia, South Carolina, Alabama and Tennessee.

It is unclear, however, if additional GreenWise locations will open, she states.

W. Frank Dell, president of Dellmart & Co., a Stamford, Conn.-based retail consultancy, says Publix is being prudent in testing a limited number of GreenWise stores.

"You don't want to gamble the whole company on one idea," he states. "We're in a time of changing consumer buying habits so there needs to be a laboratory to study behavior in greater depth and maybe see some keys of what to do elsewhere."

Dell warns, however, that the GreenWise proteins and merchandising must remain significantly different from the items and activities at conventional Publix stores if the chain is to remain distinct.

That, however, can be difficult as it is expensive for a supermarket operator to support a merchandising team that deals with a handful of locations, he states.

"Without that separate team, you can end up with the same GreenWise Market products being sold under a different name at regular Publix stores," Dell adds.

The proprietary GreenWise brand was launched a decade ago on paper products and has gradually expanded to include natural, organic and other health-oriented food items. Publix also publishes GreenWise magazine, which is distributed free in stores and focuses on healthy living.

While GreenWise Market merchandises many GreenWise-branded items, a key attraction is its unbranded prepared foods.

The prepared foods areas are about 4,500 square feet in size and feature hot and cold meal stations that are situated near store entrances.

Options include "The Grill," which serves hot sandwiches and side dishes from 10 a.m. to 9 p.m.

Among the 16 selections are Smothered Chicken, Churrasco Steak, Chipotle Blue Cheese Burger, Bacon Cheeseburger, Black Bean Burger, Turkey Burger, Smoked BBQ Burger, Blackened Fish Sandwich, Reuben Sandwich, Garlic Steak Sandwich, Grilled Cheese, Quesadillas and a Philly Sub.

The Boca Raton "Grill" also serves breakfast from 7 to 10 a.m.

Selections include Oatmeal; Bacon or Turkey Sausage with an Egg & Cheese Sandwich; Breakfast Burrito; Pancake Breakfast; French Toast with Bacon; and Omelets.

"The Carvery," meanwhile, markets slow roasted BBQ in Pork, Beef or Smoked Beef Brisket varieties. The items are available as a sandwich; a meal, with two sides and garlic bread; or by the pound.

Open from 11 a.m. to 2 p.m. and from 5 to 8 p.m., "The Carvery" also offers chicken in Rotisserie, Baked and Fried varieties.

Meanwhile, a "Mediterranean Oven" markets gourmet pizza, including Cheese, Shrimp Scampi and Chicken Pesto; calzones; meatloaf sandwiches; pasta; and lasagna.

In addition, a made-to-order sandwich station charges \$5.79 for a half and \$7.99 for a whole sandwich. Sandwiches with Boar's Head-branded meats cost \$3 more and six options are made with organic bread.

The full-service prepared food case, called "Chef Selections," has about 40 entrées, salads and side dishes that are created by in-store chefs.

The Palm Beach Gardens outlet recently was selling such items that are priced by the pound as Chicken Empanadas for \$7.99; Eggplant Parmesan for \$8.99; Spinach & Wild Mushroom Lasagna for \$7.99; Cedar Plank Salmon for \$13.99; Bombay Chicken Pasta Salad for \$8.69; Herb Stuffed Meatless Portabella for \$8.49; Hickory & Molasses Crusted Tenderloin of Beef with Balsamic Reduction for \$24.99; Butternut Squash for \$6.99; Turkey Meatloaf for \$8.99; Mashed Cauliflower for \$7.99; and Pesto Farfalle Pasta Salad for \$7.99.

Some items will rotate based on popularity, the spokesperson says.

Also in the deli area is a self-service hot buffet, labeled "Pacific Wok," with Asian-oriented choices for \$7.99 a pound.

Among the selections are Vegetable Lo Mein, Honey Garlic Chicken, Bourbon Chicken, General Tso's Chicken, Sweet & Sour Chicken, Spicy Chicken, Mongolian Beef, Lemongrass Pork, Sesame Garlic Eggplant and White, Brown or Fried Rice.

An adjacent hot soup bar offers such selections as Charleston She Crab, Lobster Bisque, Wild Mushroom Bisque, Chili with Beans and Tomato Bisque.

The Palm Beach Gardens GreenWise Market also has curbside service, whereby customers can call or fax their orders in ahead of time and pull up to designated parking spots to complete the transaction.

All locations, however, still feature large in-store dining areas.

The GreenWise spokesperson says the food stations are designed to compete with traditional take-out establishments. To ensure quality, the stores recruit chefs from the hospitality sector.

"We've hired the best talent in the foodservice industry in order to be very competitive with restaurants," the spokesperson notes. "Gourmet meals will run \$8 to \$11 on average and, unlike restaurants, there is no tipping."

Also in the deli are displays with more than 300 selections of artisan cheeses from around the world, and bulk meats and cheeses at full-service counters.

While traditional Publix stores carry a variety of brands, all of the approximately 50 bulk meats and 30 bulk cheeses in GreenWise are from Sarasota, Fla.-based Boar's Head Provisions Co. Inc.

Choices include seven types of natural meats. The natural items, which are priced by the pound, include Uncured Ham and Smoked Uncured Ham, both for \$10.99; Cap-Off Top-Round Oven Roasted Beef for \$12.89; and four types of Turkey Breast for \$10.69—Roasted, Tuscan Style, Smoked and French Country Style.

Two hanging signs in the Palm Beach Gardens store—which are made of wood and give the department an upscale image—spotlight the natural proteins.

One sign states, “Feel Good Facts. Boar’s Head All-Natural Deli Meats. Made from poultry, pork and beef, are raised without the use of antibiotics or hormones; no nitrate or nitrite adds; with a vegetarian grain-fed diet.”

The second sign notes, “Nice to Know. Boar’s Head All-Natural Deli Meats were developed exclusively for Publix GreenWise Market. Certified by the American Heart Association; gluten free; no MSG added; no preservatives; 0 grams of trans fat per serving.”

Boar’s Head All-Natural brochures also are distributed via a case-top display.

The same all-natural meats also are being sold at the GreenWise Market in Boca Raton. However, unlike Palm Beach Gardens, there are no signs or pamphlets promoting the items.

Instead, the meats are situated in a basket in the middle of the case and surrounded by other bulk items on shelves. On the glass above the natural choices is a sticker with an “All-Natural” headline, the Boar’s Head and American Heart Association logos, and a list of product attributes.

Price tags in the delis—and throughout the stores—are color-coded to distinguish organic, all-natural and conventional items.

A plain brown tag indicates all natural; a brown tag with the USDA Organic icon signifies a 95 percent to 100 percent organic product; a brown tag with the phrase, “Made with Organic Ingredients,” indicates that a product contains 70 percent to 94 percent organic ingredients; and a white tag means the product is neither natural nor organic.

Brown tags are predominant in the Palm Beach Gardens meat department as natural accounts for all of the approximately 70 selections at the full-service meat counter and for about 80 percent of the items in the smaller self-service case.

Two large cardboard signs promote the natural proteins at the case.

One placard, which features the GreenWise logo and an image of cooked pork on a plate with vegetables, notes, “Positively purely pristine. Enjoy delicious pork and the knowledge that it never, ever received any antibiotics or added hormones.” An adjacent sign, which displays a cooked steak on a plate with vegetables, states, “Never any antibiotics or added hormones. Always a good choice.”

A wooden sign, meanwhile, details how shoppers can pinpoint natural or organic proteins by searching for the brown price tags.

Most of the self-service meats are in overwrap or modified atmosphere packages.

Marketing at the case is limited to dividers with the “Publix GreenWise All Natural” and

"Publix Premium Certified Beef, USDA Choice" monikers.

GreenWise beef, pork and chicken packages also are affixed with stickers that list the all-natural attributes.

Among the GreenWise-branded selections that are priced by the pound is 80-Percent Lean Ground Chuck for \$3.99; Flat Iron Steak for \$8.99; Boneless Pork Chops for \$8.99; Boneless/Skinless Chicken Breast for \$6.69; Chicken Drumsticks for \$2.59; and Chicken Wings for \$2.99.

Conventional Publix-branded beef includes Whole Tenderloins, Neck Bones, Sirloin Tri Tips, Boneless Sirloin Steak, Sirloin Fillets, Filet Mignon, New York Strip Steak, Beef for Stew and Boneless Ribeye Steak. The Publix products feature stickers stating, "grain-fed and hand trimmed."

Also in the self-service case is Publix-branded all-natural lamb, including Ground, Shanks, Shoulders and Whole Leg.

Other branded items include Maverick Ranch organic chicken, natural ham and natural buffalo; Murray's natural chicken; Plainville natural turkey; and Vineland Kosher turkey.

Among the selections at the Palm Beach Gardens full-service meat counter are 21 types of value-added proteins, including five varieties of Marinated Chicken Breast—Chili Lime, Brown Sugar Mustard, Tangy Thai, Spicy Orange Chipotle and Honey Mustard Tarragon.

Additional choices include Stuffed Chicken Breast with Broccoli & Cheese; Pecan Crusted Boneless Pork Chops; Stuffed Flank Steak with Mozzarella Cheese; Tangy Thai BBQ Sirloin Kabobs; and Argentine Chimichurri Marinated Skirt Steak.

There also are three varieties of stuffed beef patties for \$5.99 a pound—Horse Radish & Cheddar Cheese, Bacon & Cheddar Cheese and Blue Cheese & Peppercorn.

Other proteins include seven selections of Jamison Farm-branded lamb, seven varieties of sausage and five types of veal.

The Boca Raton GreenWise Market merchandises such additional fresh meats as Kobe Boneless Strip Steak, Buffalo Tenderloin Steak and Buffalo Ribeye Steak.

Signage behind the meat counter at the Palm Beach Gardens store further emphasizes the natural attributes.

One board notes, "Our meats are raised right. If its got the Publix GreenWise Market label, you can be sure it was raised humanely with NO added hormones—ever, NO added antibiotics—ever, NO animal byproducts in the feed—ever. We trace every animal back to its source and use regular audits to ensure adherence to our strict standards."

An adjacent signs states, "Our product looks good naturally. Some retailers use carbon monoxide gas to preserve the color of their meat. The good news is that we never do."

Yet, another placard near a cabinet containing dry-aged meats notes, "Talk about aging gracefully. Sure, dry aging our beef is time-consuming and takes extra effort. But the extra tenderness and flavor makes it well worth the trouble."

Additional meat varieties are in frozen cabinets across from the meat counter.

Natural and organic brands include Beeler's, Bell & Evans, Tyson, Coleman Organic, Sommers Organic, Crystal Valley Beef, Davis Mountain Organic, Aidells and Applegate Farms.

Among the conventional brands of frozen meats are Perdue, Publix, Jennie-O, Jones, Hebrew National, Maple Leaf Farms, Jimmy Dean and Bubba Burger.

Also in the meat department are assortments of packaged heat-and-serve entrées and side dishes. Brands include Harry's (which offers organic sides) and Country Crock.

A hot case, meanwhile, contains varieties of All-Natural Rotisserie Chicken for \$9.99: 36-ounce Tandouri Ginger, Tequila Ginger or Savory and 32-ounce Original. MDR

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By  
 Mike Duff/  
 MoneyWatch/ August 27, 2009, 7:53 PM

# Publix Joins Supermarkets Developing Hybrid Stores, This Featuring Organics

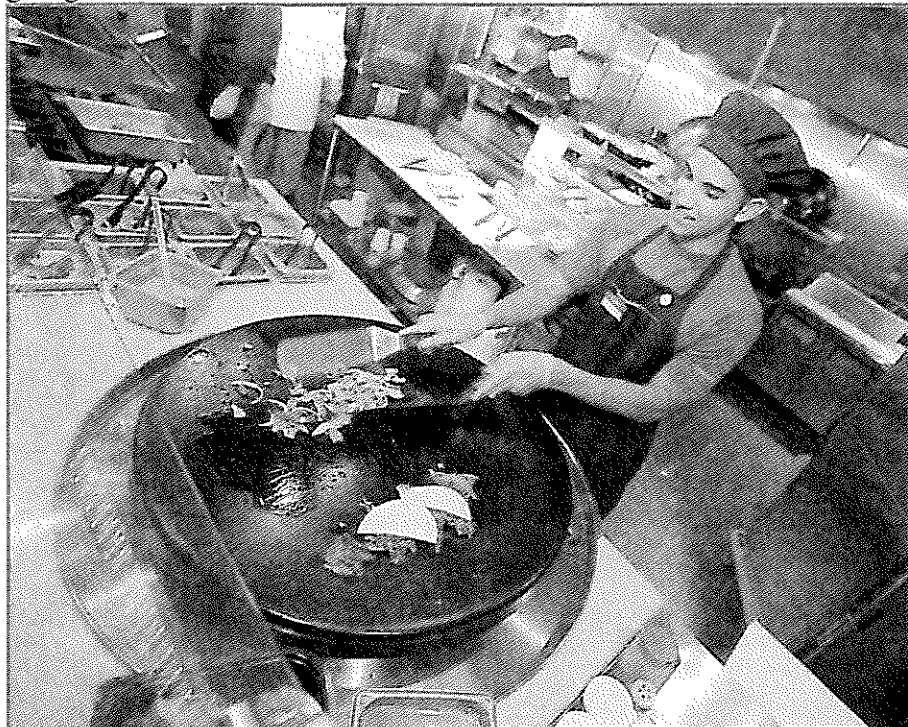
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More +Hybrid store concepts are suddenly all

the rage among supermarket operators, and now Publix is planning to open a hybridized supermarket concept that combines elements of its standard format and it's GreenWise Markets.

GreenWise Markets emphasize organic and natural foods although they also offer some conventional fare as a convenience to shoppers, said Publix spokeswoman **Shannon Patten**. The new store, to debut in the second half of

2010, will take operations as developed for GreenWise and adapt them for more conventional surroundings. "We're going to take best of Publix GreenWise Markets and infuse that into a traditional Publix supermarket," Patten said.



Patten asserted that the company's customers are more interested than ever in natural and organic products. Publix recently introduced a program that identifies organic, natural and earth-friendly products on its shelves using hangtag signage. The idea, she said, was to help customers identify such products quickly rather than leaving them scrutinizing packages to find items that satisfied their preferences.

At GreenWise Markets, too, Publix wants to make it easier for customers to enjoy the organic and natural offering without any artificial "so to speak" barriers, so it recently added conventional soda fountains to an extensive prepared food/café section the stores provide. Also, despite separate marketing programs, it recently began accepting Publix coupons at GreenWise markets after customer prompting.

Patten said the hybrid store concept still is being designed, but the prepared food element and café will certainly be part of the new store concept, although the 10 or so food counters at GreenWise "including The Carvery, featuring slow roasted chicken among other offerings, and Pacific Wok, serving Mongolian beef, sweet and sour chicken, vegetable low mien, etc.," may be reduced in number.

Publix currently operates three GreenWise Markets in Boca Raton, Tampa and Palm Beach Gardens, Fla. All told the company runs more than 1,000 supermarkets.

A number of food retailers have introduced hybridized store concepts recently. **Kroger**, which has been operating its supermarket/supercenter hybrid marketplace stores for several years, just debuted a format in Houston that combines elements of its traditional supermarkets and gourmet-oriented fresh fare stores. The company remodeled the store on the new pattern to better compete with a new nearby **HEB** supermarket that itself combines traditional elements with operations developed for the company's upscale Central Market emporiums.

While not always resulting in hybrids, a trend has developed among food retailers who are developing and translating departments across store concepts. Since acquiring chains such as Shaw's and Jewel from **Albertsons** a few years ago, **Supervalu** has been taking specific operations that it identified within a best practices framework and putting them in place chain wide. Thus, the Wild Harvest organic and natural food operations developed at



Shaw's were adapted by other Supervalu chains.

Both **A&P** and **Meijer** have developed new prototypes they've used as laboratories for more elaborate fresh and prepared food operations. Meijer has established several different variations over the past decade while A&P rolled out its so-called fresh stores just a couple of years ago, just about the time the company revamped its urban store approach at its flagship Food Emporium unit. Both chains have borrowed from those prototypes, elaborating key departments in more conventional stores to help them succeed in various circumstances. The trend falls under the idea of segmentation, which basically means finding methods of adapting stores to the specific communities in which they operate.

In the Kroger and HEB examples, the stores were tailored to serve an upscale Houston community. Publix, which is opening its hybrid in Naples, Fla., will serve a community that combines affluent and middle class populations as well as a strong senior citizen contingent with a significant element of younger outdoors-oriented consumers who are interested in health and wellness. Given the interest and the diversity, a hybrid concept should get a fair reception.

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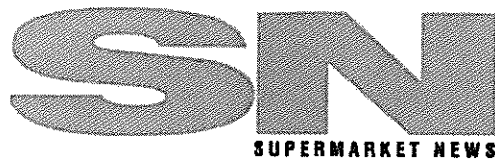
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## Wising Up at GreenWise

Of the various wellness formats opened by conventional retailers over the past few years, only GreenWise endures. The Publix banner is still above the entrance to three stores, all in Florida. Now we know why.

Fried chicken.



A real eye-opening [article](#) from the *Tampa Tribune* profiles the city's GreenWise, where Maseratis and Mercedes in the parking lot are no big deal. The neighborhood's per capita income is among the highest in Hillsborough county, and the store reflects the local affluence, selling eco-detergents, hand-picked olives for \$9.99 a pound and \$36 bottles of vitamins.

Yet customers have been asking for Tide. The HBC section still has vitamins, but also standard fare like Tylenol.

And finally, in the store's fresh meals department, where quinoa salad and specially prepared tuna filets are the norm, there is now a fried chicken display, "Right there up front," the store manager is quoted as saying.

What's going on? This is supposed to be a store for natural, organic and green products. That's why you want to go there, as opposed to a regular Publix, right? Several things about this report are revealing.

First, it seems the recession has hit the wealthy, too. They're clipping and scanning coupons — and aren't embarrassed to use them. Originally, store planners envisioned GreenWise as a totally separate entity from the rest of the chain, and so decided to forego installing any aspect of the company's discount programs, including store coupons.

That's no longer the case. Now the GreenWise stores accept everything, including competitor's offers. This is a good thing, as we know that coupon redemption hit 3.3 billion last year, the biggest year-over-year increase since 1992. According to [Inmar](#), a transaction settlement provider, this included paper and online versions. In all, some 367 billion coupons were distributed in 2009 — the highest number on record since Inmar began tracking coupon use in 1988.

Second (and for me, more telling), the changes GreenWise made here are a big reminder that the mainstreaming of health and wellness is far from any sort of peak. The vast majority of American food shoppers out there still don't know what to make of whole health. Many seem oblivious to it; some are in denial or just don't care. Still others simply cannot afford it. For all the progress we've made, we have a long way to go.

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Retailers, too, appear to be confused. Many stubbornly believe that you need to be wealthy and educated in order to subscribe to the tenets of the healthful lifestyle. There's also this continuing compulsion to link natural/organic with gourmet and specialty foods (which, in GreenWise's case, explains the olives). That reminds me of another problem: The pricing model in these types of stores can really open up a chasm.

There's nothing wrong with conventional retailers opening formats that highlight healthful products, or even healthful and specialty items. For operators, success comes when you just give the customers what they want. In this case, it was fried chicken.

No matter that it's supposed to be a "better-for-you" store. Folks might like the cooler name, but don't try to force them to shop a certain way. To them, these formats are just another place to buy groceries.

(Photo credit: Publix Super Markets)

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### New, upscale Publix set to open May 1

*ROBIN BENEDICK Special to The Miami Herald*

BY ROBIN BENEDICK Special to The Miami Herald

Grocery shoppers will soon be able to take a cooking class, pick up a gourmet meal and still buy their regular groceries at the new **Publix** opening May 1 at University Drive and Peters Road in Plantation.

The store -- which was an Albertsons before **Publix** bought it two years ago -- is the first **Publix** in South Florida that combines a traditional grocery store with the best of a **GreenWise** Market to offer more prepared foods and an expanded selection of natural, organic and eco-friendly products.

At about 57,000 square feet, the new store at 1181 S. University Dr., just north of Interstate 595, is larger than an average **Publix** with a cooking school upstairs.

Whether the Lakeland-based company adds more supermarkets like this one in South Florida will depend on how well the Plantation store performs, particularly as it competes head-to-head with a Whole Foods store directly across Peters Road.

"With both of us [**Publix** and Whole Foods] having prepared food and organics there may be some overlap with customers going back and forth and shopping both stores," said Kimberly Jaeger, a **Publix** spokeswoman in Miami.

"But we just hope they keep coming back to **Publix** for our service and quality and prices."

Whole Foods spokesman Russ Benblatt, based in Fort Lauderdale, said Whole Foods doesn't comment "on other store's grand openings or on competitive situations."

Putting a specialty **Publix** so close to a Whole Foods had more to do with the upscale demographics of the area, the central location near major interstates and the airport, the ability to build a larger store and the ongoing redevelopment of the city's Midtown neighborhood, **Publix** representatives said.

They also aren't concerned about the proximity of three other **Publix** stores within a few miles of this new one, noting that no **Publix** stores in the area are closing and the new store may attract customers new to the area.

"We open a new store because we really feel like there is enough volume in that community," Jaeger said.

"Granted some of those folks who shop at surrounding **Publix** stores may shop at the new one but it's still about serving our customers regardless of which location it's at."

For shoppers, price will likely be a deciding factor in whether they go to the new **Publix** or Whole Foods for a prepared meal, organic fruits and vegetables, and other specialty items.

"We're going to go where the prices are best," said Plantation resident Jeanie Costarides, a paralegal, after shopping at Whole Foods one recent afternoon. "If **Publix** has the same things I buy now at Whole Foods, I'll go where I get a better deal."

Echoing that sentiment was Michael Lampedeccio, a Nova Southeastern University optometry student. He likes to buy a prepared meal at Whole Foods and eat it at a table outside the store. Sometimes he also picks up meats, vegetables and fruits to take home.

"As a student my income is limited so if what I like to buy is cheaper at the new **Publix**, I would go there."

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But not everyone is jumping on the bandwagon.

Lampedecchio's classmate, Jennifer Itoni, said she typically buys groceries at Super Target for convenience.

"I do my food shopping at Target because it's all right there in one place," she said.

**Publix** customer Michele Glassberg said she would probably stick with the **Publix** on Cleary Boulevard because she doesn't want to spend more for natural, organic or prepared foods.

"There seems to be a **Publix** on every corner," she said. "I don't know why we need another one."

Having another grocery store in the area will serve neighborhoods east of University Drive that haven't had a store nearby since Albertsons closed.

"**Publix** and Whole Foods will complement each other by providing added grocery choices not currently available in this area," said Laurence Leeds, Plantation's director of planning, zoning and economic development.

The new **Publix** will offer one-stop shopping for customers who can pick up freshly made bourbon chicken or Mongolian beef for dinner as they grab laundry detergent and bananas. In addition, the store will offer a carving station for fresh turkey sandwiches, a larger olive bar, hot soups, a salad bar, imported cheeses, organic wines, a liquor store, pharmacy and a mix of organic and natural cosmetics and beauty products.

Shoppers will be able to take their food home or eat in the store in a café area similar to a mall food court.

That appeals to Boca Raton attorney Rodney Holmes who works in Plantation and frequents Whole Foods and the **GreenWise** Market near his home to pick up dinner. He doesn't cook.

"I'm certainly willing to give their prepared meals a try," he said of the new **Publix** offerings.

The bakery will look familiar to **Publix** regulars who want to order a birthday cake or grab some muffins. But shoppers can also buy gluten-free products for people with celiac disease or gluten intolerance.

**Publix** is opening its sixth cooking school in this new store. The first classes begin May 7.

The school will feature renowned chefs, authors, cooking celebrities and local restaurant chefs. There will be a variety of classes that focus on various cuisines or cooking techniques. Others will center on topics such as desserts or holidays.

The school will also offer gourmet food and wine tastings and cooking classes geared just for younger kids and teens.

Some classes will allow a small group of participants to cook right alongside a chef while others will have a chef doing all of the work and explaining techniques to a larger group.

Other businesses in the **Publix** shopping center are excited about the store's opening. The first 500 customers will receive a **Publix** reusable bag.

"When Albertsons was open, this shopping center was nonstop with activity, and we can't wait for **Publix** to open to bring more people here," said Hemi Patel, owner of Presto Cleaners and Tailors.

**Publix** is the latest business to take part in the renaissance of the Midtown district where the Fountains Shoppes of Distinction, a strip center north of the new **Publix**, is being transformed with new shops, restaurants and luxury apartments.

That stretch of businesses from I-595 north to the Fountains is a key redevelopment area for the Midtown district, Leeds said.

Though some projects are a year or two behind because of the economic downturn, Leeds said the district is a "highly desirable location" because of its accessibility from I-595, I-75, I-95, Florida's Turnpike, the airport, port and downtown Fort Lauderdale.

At the Fountains, construction is under way for Plantation's only sporting goods store, Dick's Sporting Goods, which is slated to open later this year, according to Developers Diversified Realty, which owns the Fountains. A Jo-Ann Fabrics and Crafts store will open early next year. Kohl's opened in September. Driving around the Fountains means zigzagging around construction barricades and scrambling for a parking place as dozens have been blocked off for demolition and other improvements.

Though some customers grumble about the hassles of driving in the Fountains, hair stylist Lucy Palacios at Design 4000 Hair Studios doesn't mind.

"Sure, I'm looking forward to the day this construction is all over, but I think this whole makeover is going to be good for our businesses," she said.

If you go

What: The first **Publix** in South Florida to combine a traditional grocery store with the best of a **GreenWise** Market.

When: Opening May 1. Store hours are 7 a.m.-11 p.m. Monday-Saturday; 7 a.m.-10 p.m. Sunday. The pharmacy hours are 9 a.m.-9 p.m. Monday-Friday; 9 a.m.-7 p.m. Saturday; 10 a.m. to 5 p.m. Sunday.

Where: 1181 S. University Dr., Plantation.

Information: 954-577-0542; [www.publix.com](http://www.publix.com).

FYI: The store features a cooking school upstairs. The first classes begin May 7. To see a list of classes or to enroll, go to [www.publix.com/cookingschool](http://www.publix.com/cookingschool).

CANDACE WEST/FOR THE MIAMI HERALD ALMOST OPEN: Employees enter the store after a break at the new **Publix** at 1181 S. University Dr. in Plantation, which used to house an Albertsons.

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### **Merchandising: Publix Super Markets**

Selling whole health to the masses is a tricky proposition for most mainstream supermarkets, since they primarily cater to the casual wellness consumer. Retailers have tried different strategies in an attempt to maximize sales by integrating natural/organic with conventional products, or building in-store boutique sections that act as a destination for these shoppers.

Publix Super Markets, Lakeland, Fla., has taken a different tack, slowly building a natural/organic/green store brand that, in recent years, has evolved into a stand-alone store format. Both are called GreenWise, and both demonstrate a level of dedication not often found in large-scale retail environments.

In a presentation last December to the Florida Public Relations Association, Publix spokeswoman Shannon Patton said sales of the GreenWise brand have exceeded \$1 billion, a significant contribution that's taken years to build: Toilet paper was the very first GreenWise product to appear, way back in 1996.

"They start small and take a while to grow and do this for a reason," Patton stated in her presentation. "It helps ensure that they are putting the right products in the right stores."

Such tactics have allowed privately held Publix to invest in the brand without outside pressure.

"I see it as a bet on the long term, and a learning opportunity for them about potential directions that things might go," agreed Jim Hertel, managing partner at consulting firm Willard Bishop. "Companies that are public or cash-strapped don't have this kind of time to experiment with."

The first GreenWise store opened in September 2007, and three are currently in operation. Though the format focuses on wellness and sustainability, Patton notes that the GreenWise customer "still purchased conventional items as well."

To that end, the retailer recently related how the GreenWise unit in ultra-wealthy South Tampa has started stocking fried chicken and sugary birthday cakes at customers' requests.

"This is still very much a pilot project," the store's manager told the Tampa Tribune.

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Yet there are no indications Publix plans to dismantle its wellness format, as other retailers with less patience have had to do. — **RV**

# PL Buyer

The Authority on Private Label Retailing

[Home](#)

## PL RETAILER OF THE YEAR

By [Lynn Celmer](#)

January 12, 2011

It used to be that if your friends or family came to visit and you bought store brand products, it would be embarrassing and you'd try to hide them; just as you'd try to keep your crazy old Uncle Louie out of sight somewhere in the back of the house while you entertained in the living room.

But Publix, one of the first supermarket chains in the Southeast, is changing the way people feel about private label goods. In fact, it's been said that some Floridians have even been spotted shopping at Walmart with their reusable Publix shopping bags because they want to be known as Publix shoppers - it's considered a status symbol of sorts.



It used to be that if your friends or family came to visit and you bought store brand products, it would be embarrassing and you'd try to hide them; just as you'd try to keep your crazy old Uncle Louie out of sight somewhere in the back of the house while you entertained in the living room.

But Publix, one of the first supermarket chains in the Southeast, is changing the way people feel about private label goods. In fact, it's been said that some Floridians have even been spotted shopping at Walmart with their reusable Publix shopping bags because they want to be known as Publix shoppers - it's considered a status symbol of sorts. PL Buyer has chosen Lakeland, Fla.-based Publix as our 2011 PL Retailer of the Year because of the success it has had with building consumer trust in its private label offerings. It's done that by listening to consumer wants and expanding private label in response rather than just using private label as the low-cost alternative. It employs a two-tier private label approach that include its basic Publix brand and its Publix Premium label. Plus, it has launched a specialty private label brand, GreenWise, which appeals to shoppers seeking natural and organic options, and also is targeting Hispanic shoppers with offerings within its Publix brand. The result has been private label sales that

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account for 20 percent of all Publix sales. In short, Publix is being pro-active in building private label sales rather than merely reactive to what national brands are doing.

The retailer racked up estimated private label grocery sales of \$5.2 billion in 2009, putting Publix at No. 9 on PL Buyer's exclusive list of North American private label grocery retailers, as compiled by London-based research firm Planet Retail.

Private label grocery sales will have reached a Planet Retail projected \$6.6 billion for Publix by 2014 as it continues rolling out new products as part of its various private label lines, which include the Publix, Publix premium, Publix GreenWise Markets, Publix Bakery and Publix Deli brands.

### From Humble Beginnings

A young man named George W. Jenkins was managing a Piggly Wiggly grocery store in Winter Haven, Fla., in 1930 when hard times brought a drop in the store's sales volume, and staff pay cuts. When Jenkins learned the owner had sold his store to an Atlanta businessman, he looked forward to a visit from the new owner, confident he'd impress him with his managerial skills.

As weeks passed and still no visit came, Jenkins decided to drive to Atlanta and introduce himself. The new owner sent word that he was tied up in an important business conference.

"Well", as Mr. Jenkins often recalled to Publix colleagues, "I could hear what the conference was all about. He was saying that if he hadn't taken a six on the dogleg eight hole, he'd have broken 90 in his last golf game."

This indifferent treatment sent Jenkins home determined to start his own grocery store - and vowing to never treat his employees or customers the way the absentee owner had treated him. The result was his creation of Publix in 1930.

Today, Publix is the largest employee-owned supermarket chain in the United States with 1,035 store locations and more than 146,000 employees.

### Creating a Culture of Quality

When it comes to its private label brands, Publix aims to sell products of the highest quality and offered at a savings compared with national brands, says Maria Brous, director of media and community relations for Publix.

"Our positioning of items under the Publix brand is that they are equal to or better than the national brands, and we always offer our Publix guarantee that if a customer isn't satisfied for whatever reason, they can return any item for a full refund," says Brous.

When it comes to private label sourcing and responsiveness, Brous says the internal process that Publix uses to identify potential suppliers and to approve them is considered one of the most thorough in the industry. "This sometimes means that we sacrifice short-term speed, but we benefit in the long-term with less supplier turnover, better quality products and we have also experienced fewer product recalls than the industry as a whole over the past few years."

For Publix, this means that quality, not price, is the main driver of supplier selection, according to Brous.

"I think the Publix strategy when it comes to private label has been to find products that are popular with consumers and do a good job of keeping the quality up," says Liz Crawford, senior vice president, business and communications strategy with Purchase, N.Y.-based Mars, a shopper marketing agency.

"The quality of Publix private label products are at least as good as the equivalent national brands it carries," says Bill Emerson, president of Palm Beach County, Fla.-based Emerson Advisors, a retail consulting firm.

"Publix has a good, better, best approach which allows customers to trade up while also realizing improved value," says Kevin Sternecker, research director for Gartner Inc., a Stamford, Conn.-based research firm. "So a customer, who used to buy a leading brand can of beans, can now buy the Publix brand can of beans and receive the same or better quality at a better price. I think that consumers who were forced to seek out lower-priced alternatives have been pleasantly surprised at the quality that Publix has been delivering for a long time."

Publix also has been much quicker and bolder than its competitors in terms of promoting its private label products, says Natalie Berg, global research director of London-based research firm Planet Retail. "A great example of this is its Publix store brand challenge which gave away a private label product for free when shoppers bought a national brand product. This was the ultimate testament to quality and shoppers had nothing to lose since the private label products were free." The program was launched four years ago and is still in place today.

Sensitivity to customer needs led to the creation of the GreenWise line of products, which offer high-quality natural, organic and/or generally environmentally-friendly choices.

"I think in the premium tier, the GreenWise line is generally strong and offers comparable quality to branded products," says Paula Rosenblum, managing partner of Miami, Fla.-based Retail Systems Research (RSR).

### **Products Aplenty**

Publix has the same high standards of measuring success or failure for its private label items as it does for national brands it carries, Brous says. "Private label is just one component of the offering and we want to be perceptive to how our customers are responding to our item selection - all items. If we have a private label item that we believe is the right size, flavor, package and we have supported the item, but it is not reaching the [sales] goals of the category, then we need take that item out of the category. Our goal is to sell more products, not to sell more private label products."

Publix is a strong regional player in Alabama, Florida, Georgia, South Carolina and Tennessee, that really seems to have its finger on the pulse of the local shopper, says Crawford. "Because it has a good sense of what its local consumers want to buy in terms of things like food and taste, Publix can focus its private label products on giving consumers what they want. And while it may not be right for everyone, everywhere, it's right for its shoppers and I think it's really great."

"They are adding more SKUs a bit at a time, learning from each cycle of it and then expanding," says Emerson. "It appears to have a pretty thoughtful strategy on how it's rolling out [new PL products]. I think there's certainly a lot of potential for it to expand into other categories, but that's always a balancing act."

### **Capitalize on Categories**

Publix first launched its redesigned Publix brand private label packaging in 2003, offering a clean, simple and predominately white design system across all the products within the Publix brand category. The previous design was very similar to other retailer's private brands; the products looked very similar to the national brand equivalent and blended in with other items on the shelf.

"The primary goal of the redesign was to improve our private label sales," Brous says. "The new design made our products easier to see on the shelf and, in many cases, customers noticed our store brand products for the first time. The natural response was that we were adding more private label items and discontinuing other items. We were expanding our lineup from about 1,200 items to over 3,000 items over a six-year period, but it was surprising to see how many calls we had related to private label items that we had on the shelf for years before the conversion."

Publix is in a good place right now in terms of its private label, Emerson says. "It is looking at its strategy saying 'well how big do we want to make this and how many categories do we want to go into,'" he says. "Publix is even at the point of saying 'well maybe we should think about competing in multiple price zones within our own private label'. It's developing its own brand and its not like embarrassing Uncle Louie. This is something it's proud of and if retailers are respectful of their own brands, then their customers will be as well."

Publix has done a very good job of penetrating its categories and differentiating its products in ways that are recognizable by its customers, says Sternecker.

"It has transformed its brands into a strategic weapon," he says. "Anyone can sell Tide on their shelves, but no one [else] can sell the Publix special formulation that exceeds the cleaning capabilities of Tide or that offers a fragrance that is unique and interesting to Publix consumers. By differentiating its products according to its consumers' preferences, it has competitive private label products that cannot be copied by national chains and I think this is an opportunity it has seized upon and recognized for a long time now."

Berg agrees that Publix has excelled in areas such as marketing and new product development when it comes to its private label products. "It has also been very innovative in expanding its brand into previously underpenetrated categories, such as pre-packaged kids' meals," she notes.

### The Future's So Bright

In 2011, Publix plans to continue to roll out the updated Publix Premium line package designs which began in 2010, and roll out new package design systems for Publix GreenWise Market products and Publix Deli products. "My expectation is that Publix is going to have a strong 2011," says Emerson. "I fully expect to see it very thoughtfully expand on its private label including both the GreenWise line and its Publix brand. I also expect to see some very thoughtful growth, but very consistent growth until it finds what it considers to be the right balance point for it."

"We can expect to anticipate more of the same from Publix in 2011, just more accelerated," says Sternecker. "It will likely introduce new private label products, continue to give its brands successful on-shelf positioning and continue to market them to its consumers while offering differentiating products."

"Our research shows retail winners [those who over-perform in comparable store sales growth] continue to increase the percentage of private label in their merchandise mixes," says Rosenblum. "I would expect to see Publix continue to do the same."

"I wouldn't be surprised if it continued to march along the private label path and make its brand experience increasingly exclusive," says Crawford. "It gives Publix enough distinction from other retailers so that it can retain its shopper base."

One of the most important elements of its private label success is the emotional connections it establishes with its customers.

"Publix conveys this image, particularly in its television advertising, of family and a good meal, it's almost like love on the table," Crawford says. "There's a warmth there that any national chain, even the really successful ones, just can't seem to match. I get the sense that Publix really is lodged in the hearts of its shoppers."

What separates Publix from other retailers when it comes to private label is its significant investment in quality and maintaining that quality across all of its product lines.

"Customers see the Publix brand in a very consistent and far-reaching penetration of the store," says Sternecker. "There's not pockets of excellence, there's excellence across the entire store and I think that's one of the reasons why it excels is that other retailers have yet to accomplish this same level of consistency across the entire store."

Additionally, Publix focuses extensively on customer service and has worked to distinguish its private label from other retailers by creating unique formulas and offering a solid assortment of products. Other retailers might want to take a cue from its private label strategies. PLB

### SIDEBAR 1:

Publix At-A-Glance

Publix Super Markets Inc.

PL Grocery Sales: \$5.2 billion\*

Retail banners: Apron's,  
Publix, Publix Green Wise Markets, Crispers

No. of stores: 1,035

No. of employees: 146,000

Publix private labels:

- Publix brand - Its NBE (National Brand Equivalent). Represents the largest number of Publix private label SKUs. Includes Hispanic products.
- Publix premium brand -Positioned to compete against specialty, gourmet and high-end products. A new design system introduced in 2010.
- Publix GreenWise Markets brand -health and wellness brand. It has about 250 products. A new design system is planned in 2011.
- Publix Bakery - Includes breads, muffins, pastries, cakes, desserts. This line features a simple, clean, package and label design system.
- Publix Deli - A new design system planned in 2011. Publix plans to add gourmet cheeses.

SIDEBAR 2:

The Publix Side of Things

Publix agreed to supply written responses to PL Buyer's questions for this feature.

The following is an edited transcript of answers received from Maria Brous, director of media & community relations, for Publix.

PL Buyer: Can you talk specifically about some of the more interesting things you've done when it comes to marketing your private label products?

Brous: Our 'store brand challenge' has been a successful promotion. We offer our product free to the customer when they purchase the designated national brand item. This allows the customer to compare the products in their home, on their own time, and when they can easily compare how the product performs for them. This is an extremely efficient program that has grown share in almost every category. We also do a monthly insert offering a variety of store brand products at a reduced savings.

PL Buyer: What can you expect to see from Publix in 2011, both overall and from the private label side of things?

Brous: Related to PL, we will continue to roll out the updated Publix Premium line package designs; rollout of new package design systems for Publix GreenWise Market products and Publix Deli products and continue to ensure that our products deliver quality and value for our customers.

PL Buyer: Publix has earned a reputation for being one of the leading innovators/pioneers in the supermarket business. Can you talk about some of the private label innovations that you have introduced?

Brous: Our approach is to focus our innovation efforts on key business areas, such as bakery and deli, or in key categories such as ice cream. Publix was the first grocery retailer to use a clean, simple and predominantly white design system across all private label products within a single tier. Similarly, Publix was the first to use clever/humorous imagery (e.g. tin foil creatures) and copy on private label packages. We were also one of the first retailers to create a unique proprietary system for a private label brand that actually featured the retailer's name, moving away from the trend of mimicking national brand looks.

PL Buyer: Tell us about the major redesign of the Publix brand that took place in 2003; what was the overall goal for that project?

Brous: The primary goal was to improve our private label sales. We learned from research that customers liked our private label products and that they trusted our name (the Publix brand name as a whole had equity). We also learned that there was a lack of awareness regarding our private label offerings. We believed that we could improve sales by developing a new package design system that addressed the awareness issue by applying a unique, yet consistent, look across all SKUs, thereby helping customers to more quickly identify our products and leverage the equity of the Publix name via the use of a confident proprietary design that was unique to Publix.

PL Buyer: What kind of results have you seen since the Publix brand redesign?

Brous: The new design made our products easier to see on the shelf and in many cases, customers noticed our store brand products for the first time. We were expanding our lineup from about 1,200 items to 3,000 over a six-year period, but it was surprising to see how many calls we had related to PL items that we had on the shelf for years before the conversion. However, from a business results side, our share had grown over the same period. The design system has certainly played a major role in that performance.

PL Buyer: I know that one of the store brand-related goals Publix has is to make every SKU “work.” Can you tell us more specifically about how you go about making that goal a reality?

Brous: We place the same criteria on private label items as we do any item in the category. Remember that PL is one component of the offering and we want to be responsive to how our customers are responding to our item selection - including all items. If we have a PL item that we believe is the right size, flavor, package, etc. and we have supported the item, but it’s not reaching the goals of the category, then we need to take that item out of that category. Our goal is to sell more products overall, not to sell more PL products.

PL Buyer: Can you tell me how Publix deals with the challenge of private label sourcing and responsiveness?

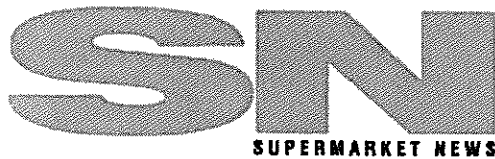
Brous: Our internal process to identify potential suppliers and then to approve them is considered one of the most thorough in the industry. This sometimes means that we sacrifice short-term speed but we benefit in the long-term with less supplier turnover, better quality products, and we have also experienced fewer product recalls than the industry over the past few years.

PL Buyer: Much has been said about Publix establishing an emotional connection with its customers. How has Publix gone about those efforts in general and also when it comes to private label?

Brous: When appropriate, we always try to create an emotional connection with our customers in any of our communications. We want to demonstrate that we understand and care for them; we want to meet their needs. When we connect on an emotional level we have an opportunity to create brand advocates. We like brand advocates; they can have a tremendous amount of positive influence on other customers in a way that we cannot.



Lynn Celmer serves as Managing Editor for *Private Label Buyer* and oversees the twice weekly PLBuyer eReport as well as the PLBuyer SuperStore. Her background is in both newspapers and magazines. She has a degree in Journalism from Northern Illinois University. Some of her favorite retailers to shop for private label products at include Dominick's, Target, Trader Joe's and Fresh & Easy.

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## Publix Plans Atlanta Hybrid Store

Mon, 2011-04-11 16:20

[Supermarket News](#)

SN STAFF

**ATLANTA** — [Publix Super Markets](#) said Monday it plans to open its first hybrid store in the Atlanta market next Thursday. The 56,000-square-foot store will combine the natural and organic offerings of the chain's GreenWise banner with the more mainstream offerings found in traditional Publix stores.

Publix debuted the hybrid format late last year in Naples, Fla.

"Customers continue to look for a variety of all natural and organic products and services while seeking traditional items on their shopping list," said Brenda Reid, media and community relations manager for Publix, in a prepared statement.

Publix continues to operate full GreenWise stores in Palm Beach Gardens, Boca Raton and Tampa, all in Florida.

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**Source URL:** <http://supermarketnews.com/retail-amp-financial/publix-plans-atlanta-hybrid-store>

Opposition 91186148

Opposer's Ex. 68



<http://www2.tbo.com/lifestyles/flavor/2013/jan/22/publix-building-greenwise-concept-store-in-carroll-ar-613614/>

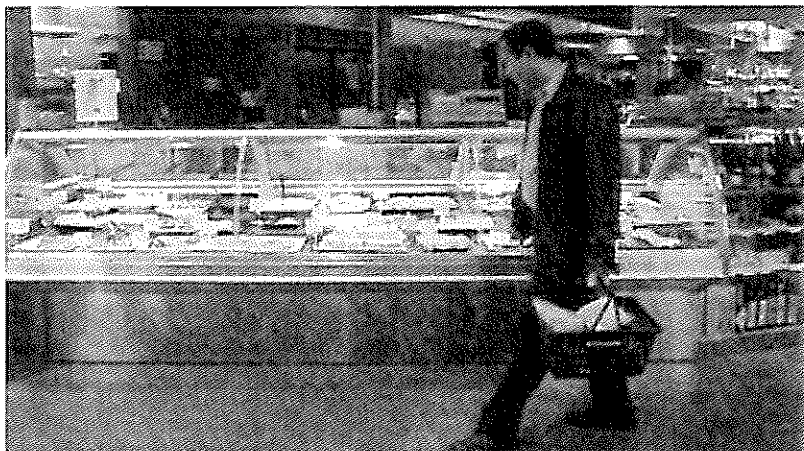


Published: January 22, 2013

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## Publix building Greenwise concept store in Carrollwood

By Richard Mullins



TAMPA

The bad news for grocery shoppers in Carrollwood is that Publix will soon tear down a location at Fletcher Avenue and Dale Mabry Highway. The good news is that Publix plans to rebuild the site into a vastly different, luxurious new store that's the first of its kind in the region.

When built, shoppers there might well think they've walked into a Greenwise store, with a sit-down café and loads of fresh-made foods and organic produce.

The new design doesn't have a formal name, but shoppers who have seen the Greenwise Publix stores will see a slew of similarities – and the new store will very much compete head-to-head with a brand new Whole Foods store two miles north that opened a few months ago.

The Publix store currently there will close down sometime this spring, and construction workers will tear it down to the ground. Re-construction will take between eight and 10 months, and the new store could open after New Year's, with a slew of "earth-friendly," "all-natural" and organic items.

Opposition 91185148

Opposer's Ex. 69

<http://www2.tbo.com/member-center/share-this/print/?content=ar613614>

2/8/2013

As for size, the new 49,000-square-foot store will be almost exactly the same size as the current store. But similarities end there. The new store will have:

- A sit-down coffee shop with free Wi-Fi, open for breakfast, lunch and dinner.
- A seafood and meat department focusing on wild and farm-raised fish, with an expanded sushi counter, plus other meats from animals never exposed to antibiotics.
- A dedicated "body care" section with natural and conventional vitamins, minerals and supplements.
- An expanded cheese shop with 100-plus varieties from around the world, with a cheese specialist on site.
- A larger variety of gluten-free items, and foods from Mexico, the Caribbean, South America, Brazil, the West Indies, Britain and Germany.

(Prices, by the way, will be the same at this store as other Publix locations.)

That drive to go more upscale is a hot trend. Like most other grocery chains, Publix is in a fierce battle for market share with Wal-Mart, and rather than competing with ever-lower prices, rivals are moving more up-market: Sit-down cafes, hot food prepared on site, party planning centers and special cooking events.

While Wal-Mart may generate \$426 per square foot per year in stores, according to some market reports, specialty stores like Whole Foods are generating \$878.

Several years ago, Publix launched a new, health-focused Greenwise store model, and built a Greenwise location in South Tampa that sold scores of organic and all-natural foods – including "Greenwise" branded fresh items like beef, dairy and poultry.

The store has been successful, Publix officials say, but instead of building dozens more Greenwise stores across the region, Publix instead built a prototype "hybrid" store in Longboat Key that had Greenwise elements blended within a normal Publix store.

Now, Publix is testing a third design in Carrollwood that's not officially a "hybrid," but has many upscale differences compared with much older Publix stores. Time will tell, Publix officials say, but shoppers in other cities can expect many new stores to model the most successful parts of the Carrollwood design.

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