

Big Grocery is Watching You: Kroger's Merger with Giant Eagle Will Increase Customer Surveillance

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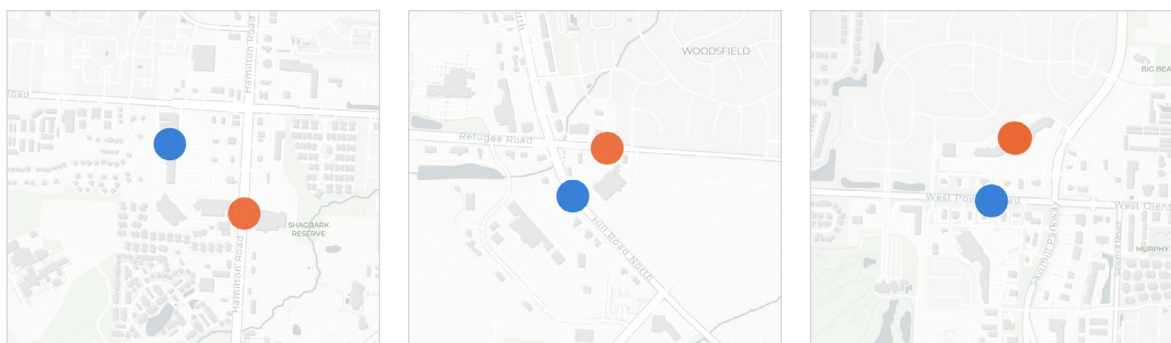
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INTRODUCTION

In 1928, Kroger bought a small Pittsburgh grocery chain called Eagle Grocery.¹ Three years later, its founders were back in business under a new name: Giant Eagle.² For nearly a century since, Giant Eagle has remained one of the few regional chains Kroger hasn't swallowed.³ This July, Kroger announced it would try again.⁴

At \$1.65 billion, the acquisition is small by Kroger's standards.⁵ This is exactly why it deserves scrutiny. Kroger has made dozens of acquisitions, many of them too modest on their own to draw much attention. But a closer look at this deal, combined with knowledge of Kroger's overall acquisition pattern, reveals what is at stake.

In Columbus, Ohio, Kroger already controls 43 percent of the grocery market.⁶ In three instances, Giant Eagle and Kroger sit directly across the street from one another.⁷ If this deal goes ahead, it would turn head-to-head competitors into a single company, controlling nearly 50 percent of the market.⁸



● KROGER ● GIANT EAGLE

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Grocery mergers have long meant higher prices, fewer choices, and lower wages.⁹ Kroger's mergers now mean something more: a bigger file on everyone who walks through the door. Kroger isn't buying stores. It is buying data. Kroger's privacy policy, updated in September, discloses that the company collects facial recognition data from shoppers entering select stores and that its cameras capture license plates.¹⁰ The Columbus Dispatch reported this summer that private Flock cameras at Kroger share footage with local police.¹¹

Buying bleach or yogurt now comes with the prospect of being scanned, tracked, and profiled. With every store Kroger buys, the data and surveillance apparatus grows, and Americans become more and more accustomed to an increasingly inhumane and demoralizing shopping experience.¹²

This brief examines what the merger would mean for prices, workers, independent grocers, and the civil and economic liberties of anyone who buys groceries.

BACKGROUND¹³

Market consolidation within the grocery industry has become increasingly common over the past three decades.¹⁴ In addition to expanding the geographic footprints of large chains, these mergers have given them significant advantages over local independent stores in negotiations with suppliers, allowing them to extract steep discounts on products, preferential delivery terms during shortages, and various rebates and other promotional allowances.¹⁵ Since the 1980s, the market share of independent grocers has shrunk by more than 25 percent.¹⁶ Today, according to a 2026 report by the Institute for Local Self-Reliance, “the top four grocery retailers capture nearly 60 percent of grocery spending.”¹⁷

This consolidation occurred, in part, due to lack of law enforcement. In the 1980s, the Reagan administration rolled back antitrust law administratively, without input from Congress, claiming it wanted to promote economic efficiency.¹⁸ It was less concerned with the original intent of antitrust law checking private power.¹⁹ At the same time, the Department of Justice and Federal Trade Commission dramatically scaled back their enforcement of the Robinson-Patman Act (RPA), so much so that not a single such case was filed between 2000 and 2023.²⁰

The RPA was enacted in 1936 to prevent wholesale suppliers from engaging in price discrimination against different retailers.²¹ Its purpose, according to the Supreme Court in 1960, was “to curb and prohibit all devices by which large buyers gained discriminatory preferences over smaller ones by virtue of their greater purchasing power” instead of true operational efficiencies.²² Without the RPA, favorable treatment of large buyers in the

market forces smaller competitors to pay suppliers more, making it impossible to offer their customers competitive prices.²³ When the law was enforced, independent and local grocery stores operated in every community, food deserts were rare, and consumers had plenty of food options.²⁴

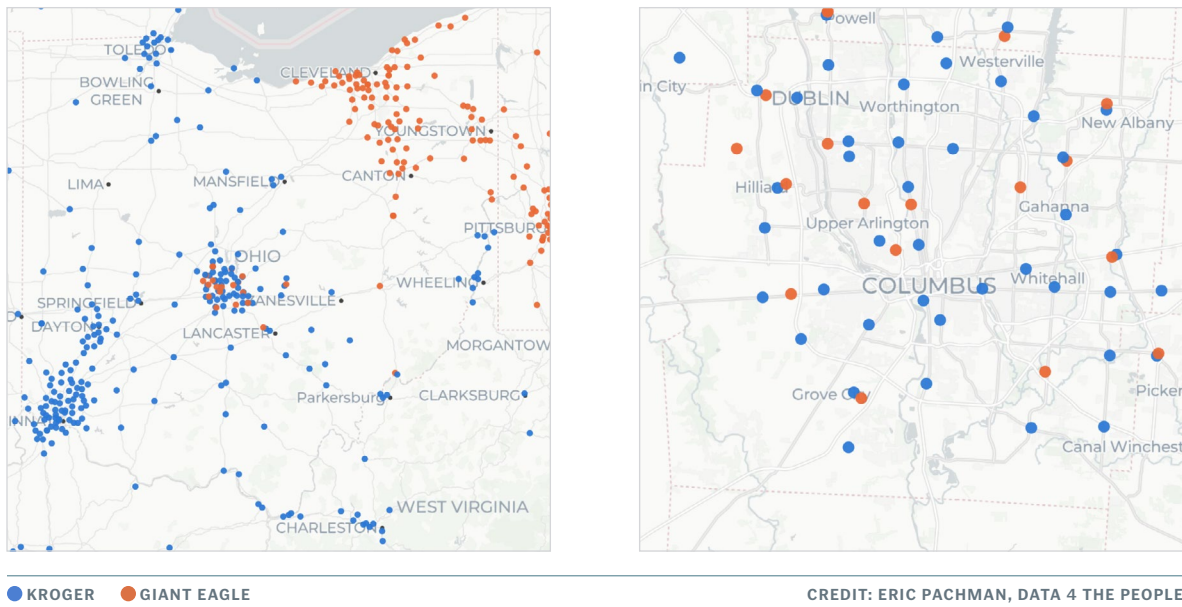
Kroger, as the fourth-largest grocery retailer in the country, is one of those giants that sits atop the grocery industry.²⁵ It was founded in Cincinnati, Ohio, in 1883, and presently owns and operates 2,700 stores in 35 states.²⁶ Kroger attempted to acquire Albertsons, an Idaho-based grocery chain, the second largest after Kroger, in a \$24.6 billion deal in October 2022.²⁷ It would have been the largest supermarket merger in history.²⁸ The FTC sued to block it in February 2024, citing the merger's likelihood of increasing customer grocery prices and reducing workers' bargaining power if it was completed.²⁹ Both Kroger and Albertsons argued that the merger was the only way to be able to compete with Walmart, a common refrain from proponents of mega-mergers.³⁰ A federal judge in this case rejected that argument.³¹

A COMBINED KROGER & GIANT EAGLE WILL REDUCE COMPETITION IN OHIO³²

Founded in 1931, Giant Eagle is a regional grocer with 197 supermarkets and 11 standalone pharmacies across northern Ohio, western Pennsylvania, West Virginia, Maryland, and Indiana.³³ With Kroger's 2,700 stores, the supermarkets' combined entity would have 2,897 stores in 35 states.³⁴ Giant Eagle reported \$9 billion in sales in 2025, while Kroger reported \$147.6 billion, giving the proposed combined entity approximately \$157.6 billion in annual sales.³⁵

The Columbus, Ohio, metropolitan area is the primary area of geographic overlap between the grocers. Central Ohio is an \$8.08 billion grocery market.³⁶ Kroger operates 58 stores in the region, giving it control of 43 percent of area supermarkets, while Giant Eagle has 20 stores, representing 6.5 percent.³⁷ The Columbus area in particular contains 20 Giant Eagle and 58 Kroger stores.³⁸ Out of 20 Columbus-based Giant Eagle storefronts, 16 have a Kroger within two miles, and all have a Kroger within five miles.³⁹ In three separate instances, the two chains are located just across the street from one another.⁴⁰

Corporations often view store proximity as a compelling reason to pursue “efficiencies” by closing stores or laying off workers.⁴¹ Closing stores reduces options for consumers. But even if stores remain open, stores under common ownership can coordinate price hikes, while workers lose bargaining power with fewer employer options.⁴²



According to Kroger’s merger announcement, both companies reportedly “expect to make limited Giant Eagle store divestitures.”⁴³ A spokesperson for Kroger’s Columbus Division told The Columbus Dispatch that “Kroger has ‘no plans to close stores or eliminate frontline jobs as a result of this transaction,’” but conceded that “divestitures could happen.”⁴⁴ Divestiture is the full or partial selling of assets or operations, often to seek regulatory approval of the merger.⁴⁵ It does not necessarily rectify the negative effects of a merger, and can, in some cases, create more harm to consumers and workers.⁴⁶ In fact, divested supermarkets are “substantially more likely to close, reduce employment, or lower sales after they are transferred to new owners.”⁴⁷ In the case of Kroger and Giant Eagle, speculated buyers include BJ’s Wholesale Club, Target, and Meijer, with potentially as few as five or as many as nine Giant Eagle stores sold.⁴⁸

Albertsons’ 2015 acquisition of Safeway demonstrates the challenges divested stores face in an anti-competitive market. The Federal Trade Commission required Albertsons to sell 168 storefronts, the majority of which were sold to Haggen, a small Pacific Northwest supermarket with only 18 stores.⁴⁹ The expansion quickly overwhelmed the smaller chain, and it filed for bankruptcy just months later.⁵⁰ Albertsons bought back some of these same stores shortly thereafter.⁵¹

Kroger has identified expansion and investment into new stores as key to accelerating sales growth and as part of its long-term strategy. In the company’s annual financial filing, the company wrote that if it is unable to significantly increase investment in “major store projects” such as new stores, their financial condition could be “adversely affected.”⁵² However, the company has not claimed that its business would fail without its proposed acquisitions, falling short of a legitimate antitrust defense.⁵³

Kroger and Giant Eagle also overlap, although not as significantly, in Marietta, OH; Morgantown, WV; and Indianapolis, IN.⁵⁴ In Marietta, OH, one Kroger and one Giant Eagle storefront are located within 1.5 miles of one another.⁵⁵ Morgantown houses two Giant Eagle and three Kroger storefronts, while in Indianapolis, one Giant Eagle is located within five miles of four Kroger stores.⁵⁶

ANTICIPATED IMPACTS

The direct result of this major acquisition will likely be higher prices for both consumers and independent grocers alike. If Kroger further consolidates its market power with this acquisition, it will likely receive even more favorable treatment from wholesalers when purchasing goods. Workers are also at risk for job loss and weakened protections, as store overlap could be seen as an inefficiency, leading to store closures and layoffs. The company will also have more data to use for surveillance of individual consumers.

Higher Prices for Consumers and Independent Grocers

A merger between the two companies would likely eliminate promotional pricing competition, causing prices to rise, contrary to Kroger's claims.⁵⁷ For example, in February 2024, shortly after the FTC sued to block the Albertsons merger, Kroger announced its intent to lower prices following the deal's completion.⁵⁸ The company promised it would invest \$500 million to lower prices once the deal went into effect.⁵⁹ However, as the FTC revealed during the case, an Albertsons local division executive wrote at the time, "we all know prices will not go down," and instead, the "conclusion that's easily drawn is overall prices will increase."⁶⁰ The FTC successfully argued that both stores regularly engaged in promotional pricing competition, bringing down consumer prices.⁶¹

On Kroger's 2026 Q1 earnings call, CEO Greg Foran said the chain "[does] not need to be the lowest-priced retailer," instead arguing they "need to be more competitive, more consistent, and easier for customers to understand."⁶² Foran said that Kroger is outperforming other traditional supermarkets because of its assets and scale, while able to compete with warehouse stores due to customer preference for its smaller format.⁶³ However, as mentioned above, such "merge to compete" arguments are never accurate. Instead, the anti-competitive dynamic in a market remains unchanged and larger grocery stores raise prices on their customers.⁶⁴

Due to the abandonment of RPA enforcement noted above, in grocery store markets, supermarket chains such as Kroger, Walmart, or Albertsons also have an advantage in the market over smaller scale or local grocers.⁶⁵ As buyers of wholesale goods, superstores

provide a large share of the wholesalers' customer base and therefore hold more leverage, which can lead to favorable prices.⁶⁶ Kroger's increased market share is not only favorable for its own business, but may cause price increases for smaller competitors, in turn forcing such businesses to raise prices on their consumers.⁶⁷ The result of higher prices (even if they are ultimately temporary) at smaller competing stores then encourages customers to shop at larger grocers such as Kroger.

Weakened Protections for Workers

A Kroger and Giant Eagle merger will also likely put workers in a worse position. While labor union leaders in other regions that represent Giant Eagle workers, such as Cleveland, have said they expect no immediate staff reductions or store closures, it's important to note that Giant Eagle's Columbus stores, where Kroger and Giant Eagle share the most overlap, are non-union.⁶⁸ Kroger also has a history of mass store closures and layoffs around labor organizing — in 1984, Kroger shut down all 45 of its Pittsburgh stores following a 30-day strike led by its unionized workforce.⁶⁹

Nonetheless, Giant Eagle CEO Bill Artman claims that the acquisition of Giant Eagle will not have negative labor impacts.⁷⁰ This is highly unlikely to be true. Kroger is not only a competitive buyer of products in a wholesale market, but also an employer in the same competitive market. In buying Giant Eagle, particularly in Columbus, Kroger will leave workers with fewer options for employment, likely leading to worse hours, pay, leave, and working conditions.

Though a different transaction, in the case of Kroger-Albertsons, an economist at the University of Utah found that the grocery merger would have resulted in lower wages and worsened working conditions due to increased labor-market competition.⁷¹ Additionally, it would have significantly reduced the bargaining power, as a result of workers negotiating with a larger employer.⁷² An analysis by the Economic Policy Institute had similar findings, including that the merger would have lowered wages for 746,000 grocery store workers in over 50 metropolitan areas of the U.S., meaning all grocery store workers in affected cities would have faced wage suppression, not just those employed by Kroger or Albertsons.⁷³ The study also found that this represented a “significant transfer of income from wages to profits,” with the decrease in wages translating to 2 percent of Kroger and Albertson's profits, or three times the companies' executive compensation.⁷⁴ Though not announced specifically in connection with this transaction, Kroger CEO Greg Foran recently announced anticipated layoffs for 37 percent of its corporate workforce over the next three years.⁷⁵

Increased Surveillance for All

Kroger would acquire not only Giant Eagle storefronts, but also its customer data, as digital advertising and insights have rapidly become more profitable than grocery profits.⁷⁶

As also noted during the Kroger-Albertsons merger, Kroger has robust profiles on consumers' shopping habits.⁷⁷ The acquisition would have furthered Kroger's geographic reach and deepened its database of first-party consumer data, as is the case with Giant Eagle.⁷⁸ For years, the supermarket has been "growing beyond food," with the accumulation of customer data as a goal in its acquisition attempts.⁷⁹ Among retailers, Kroger was "one of the first" to expand its advertising business, letting third parties use its own consumer data for precision marketing.⁸⁰

A 2025 Consumer Reports investigation revealed that Kroger collects "extensive customer data" to make "detailed inferences" about its shoppers, "such as by using an 'income predictor,' an estimate about a customer's income level" that was often inaccurate.⁸¹ Customers instead are subjected to surveillance pricing, a practice where "corporations use vast troves of personal data, including search history, past purchases, location information and more to tailor prices to individual customers."⁸² Kroger claims to collect this data in service of its discount loyalty program, which is free to join.⁸³ But according to its own privacy policy, Kroger may sell or otherwise share your personal data for marketing and advertising purposes.⁸⁴ Kroger's own retail data science and analytics subsidiary leverages data from its loyalty program to generate reports on anticipated customer behavior, generating an estimated \$527 million in profit in 2024.⁸⁵

In a recent Senate hearing on AI surveillance pricing, Sen. Josh Hawley of Missouri described Kroger as "not just a grocery store," but a "data-selling megacorporation."⁸⁶ "Last year," he added, "Kroger earned over \$500 million from selling data that it harvests from its loyal customers and giving it to other corporations. ... That accounts for 43 percent of its income last year."⁸⁷ Giant Eagle operates its own loyalty program, which Kroger would absorb and add to its already extensive dossier of customer information.⁸⁸

In its assessment of the grocer's competitive environment, Kroger's latest annual financial disclosure identified anticipation of customer preference as essential to driving sales and profitability, warning that failing to do so could have adverse effects.⁸⁹ Kroger executives have also spoken openly about the company's robust investment in customer insights and AI to provide a personalized shopping experience, evidently a critical aspect of its business model.⁹⁰ When it built its case against Kroger-Albertsons, the FTC identified an aspect of the companies' strategy as "building a profitable 'flywheel' (assets that work together to enable continuous growth) of data science capabilities, including loyalty program data that provide insights into consumer behavior and are utilized in retail media networks."⁹¹ The same is almost certainly true here.

Earlier this year, Kroger announced its plans to implement electronic self-pricing labels (ESLs) across all of its locations by the end of 2027.⁹² While ESLs allow Kroger to change prices instantly through a software program, Kroger denies using the technology for customer surveillance and dynamic pricing.⁹³ In September, however, the supermarket altered its privacy policy to include facial recognition technology as part of the biometric data the company collects on its customers at select stores.⁹⁴ Further evidence of Kroger's surveillance apparatus is its partnership with Cooler Screens, a digital smart screen company whose AI-powered cameras utilize data on a customer's "presence, dwell time, and door opens" and facial analysis to serve personalized advertisements and make inferences on a customer's demographics.⁹⁵ Sensory data, which includes photos, CCTV recordings, and the use of automated license plate readers (ALPR), is also listed as information collected by the supermarket.⁹⁶ In addition, Kroger partners with Columbus police to share data from its own private cameras, as part of the Flock network.⁹⁷ Flock is an ALPR company whose scope of surveillance has rapidly expanded across the country.⁹⁸

Giant Eagle also lists biometric data as personal information automatically collected on consumers, according to its data privacy policy.⁹⁹ In the case of an acquisition, the policy states that any personal information collected by Giant Eagle may be sold or transferred as part of the transaction.¹⁰⁰

POLICY RECOMMENDATIONS

Mergers like Kroger-Giant Eagle pose direct risks to consumers, workers, and small businesses. The tools to stop this merger and prevent those in the future exist both at the federal and state level, and include the following:

- 1. Block the merger:** The Ohio attorney general and Federal Trade Commission should sue to block the anti-competitive Kroger-Giant Eagle merger.
- 2. Resume enforcement of the Robinson-Patman Act:** The Federal Trade Commission should resume its enforcement of the Robinson-Patman Act,¹⁰¹ to ensure a level playing field for grocers of all sizes and as a preventative measure against rapid grocery market consolidation.

Surveillance pricing and price discrimination only multiply the negative effects caused by market consolidation and the subsequent loss of competition. There are several pieces of legislation at the federal and state level that can aid in curbing these effects. Actions policymakers can take include the following:

- 1. Ban surveillance pricing:** Congress should enact consumer data privacy protections, through bills such as the “Stop AI Price Gouging and Wage Fixing Act of 2025,” introduced by Rep. Greg Casar,¹⁰² and “One Fair Price Act of 2025,” introduced by Sen. Ruben Gallego, which ban surveillance pricing.¹⁰³
- 2. Strengthen price discrimination enforcement authority:** States should pass legislation such as the “Consumer Grocery Pricing Fairness Act”¹⁰⁴ pending in New York to give state attorneys general and consumers better tools for taking on price discrimination in today’s concentrated grocery market.

By suing to block Kroger’s acquisition of Giant Eagle, federal and state enforcers can defend consumers, workers, and small businesses against the aggressive market consolidation facing the grocery industry. Passing legislation to ban surveillance pricing and empower state enforcement mechanisms can act as a preventive measure against future acquisition proposals and their most detrimental impacts.

CONCLUSION

Over the course of a century, Kroger has grown into and solidified its position as one of the nation’s largest and most profitable grocers, as a direct result of its aggressive acquisition strategy. At the same time, the industry underwent a fundamental transition, where grocery stores became retail spaces to purchase not just food, but also household items, pharmaceutical drugs, and everything in between.

Kroger’s failed attempt to acquire Albertsons and its latest acquisition attempt at Giant Eagle illuminate the industry’s latest transformation — the accumulation, utilization, and selling of customer data to make record profits. Large grocery chains are no longer simply buying up brick-and-mortar storefronts, but they are also purchasing data analytics, insights, and surveillance.

Though consumers, workers, and independent grocers in Columbus, Ohio, stand to lose the most if Kroger is able to merge with Giant Eagle, an even larger, big-data-driven Kroger will likely have negative impacts for consumers across the country in the form of higher prices and increased surveillance.

APPENDIX¹⁰⁵

KROGER ACQUISITION HISTORY		YEAR ACQUIRED/ LAUNCHED
1	Eagle Grocery (pre-Giant Eagle brand)	1928
2	Henke & Pillot	1955
3	Krambo Food Stores	1955
4	Child's Food Stores	1955
5	Big Chain Stores	1956
6	Sav-On Drug	1960
7	SuperRx (Kroger subsidiary) - Sold in 1988	1961
8	Gasen's Drug Store	1962
9	Market Basket	1963
10	Dillon's	1983
11	City Market (Dillon's subsidiary)	1983
12	Gerbes (Dillon's subsidiary)	1983
13	King Soopers (Dillon's subsidiary)	1983
14	Fry's (Dillon's subsidiary)	1983
15	Kwik Shop (Dillon's subsidiary) - Sold in 2018	1983
16	Quik Stop Market (Dillon's subsidiary) - Sold in 2018	1985
17	Hook Drugs Inc - Sold in 1986	1985
18	Turkey Hill (Turkey Hill Minit Markets & Turkey Hill Dairy) - Sold in 2018	1985
19	Loaf 'N Jug - Sold in 2018	1986
20	Florida Choice (Kroger subsidiary)	1986
21	A&P Family Markets	1987

KROGER ACQUISITION HISTORY		YEAR ACQUIRED/ LAUNCHED
22	Great Scott	1990
23	Hilander Foods	1998
24	Fred Meyer	1999
25	Food 4 Less (Fred Meyer subsidiary)	1999
26	Foods Co	1999
27	QFC (Fred Meyer subsidiary)	1999
28	Ralphs (Fred Meyer subsidiary)	1999
29	Smith's Food and Drug (Fred Meyer subsidiary)	1999
30	Jay C Food Store	1999
31	Pay-Less Super Markets	1999
32	Owens Market	1999
33	Ruler Foods (Jay C subsidiary)	1999
34	Kessel Food Market	1999
35	Baker's Supermarket	2001
36	Scott's Food & Pharmacy	2007
37	The Little Clinic	2010
38	Harris Teeter	2014
39	Vitacost.com	2014
40	Pick 'n Save (Roundy's subsidiary)	2015
41	Mariano's Fresh Market (Roundy's subsidiary) - Sold in 2023	2015
42	Roundy's	2015
43	Metro Markets (Roundy's subsidiary)	2015
44	Hiller's Market	2018
45	Home Chef	2018

ENDNOTES

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- 6 Samantha Hendrickson, “Columbus Giant Eagles most likely to sell in Kroger merger, per analysis,” The Columbus Dispatch, July 8, 2026, <https://www.dispatch.com/story/grocery/stores/2026/07/08/columbus-giant-eagles-most-likely-to-shutter-in-kroger-merger/90846272007/>.
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