

# Alabama Grocer

2026, ISSUE 1

Alabama Grocers Association



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**A CENTURY OF PARTNERSHIP  
A FUTURE OF GROWTH**

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A bill in the Legislature could settle the question: Should credit card fees be taxed?



*photo courtesy of Pressmaster*

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## Alabama Represented with Excellence at the NGA Show

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CHAIRMAN'S MESSAGE

# LEADING WITH PURPOSE: SUPPORTING ALABAMA AND LOOKING AHEAD



**WADE PAYNE**  
Director Retail Operations  
*Food Giant/Mitchell Grocery Corp.*



**I AM WRITING THIS AS WE ARE BEGINNING TO LOOK AHEAD TO SPRING AND SUMMER. WE JUST HAD ONE OF MY FAVORITE DAYS: BUY ALABAMA'S BEST DAY ON THE LAWN AT THE CAPITOL IN MONTGOMERY.**

Thanks to all the great Alabama vendors who are a part of this program and were willing to attend this event to highlight their products, but more importantly to show our support for Children's Hospital, our designated charity.

**WHAT A GREAT COMBINATION:  
ALABAMA COMPANIES  
PROMOTING AND SELLING  
ALABAMA PRODUCTS IN  
ALABAMA STORES TO SUPPORT  
AN ALABAMA HOSPITAL THAT  
HAS ONE OF THE BEST  
CHILDHOOD CANCER CENTERS IN  
THE WORLD.**

I am very proud of everyone's efforts for this cause. That is the great thing about Alabama grocers—always working to make Alabama better. As I have said before, I hear about many efforts by Alabama grocers to be leaders in their communities and to make them better. I encourage all of you to continue to look for ways to take the lead in supporting the communities you are in.

I would also like to thank the governor, the agriculture commissioner, and the other elected officials who attended the event. It looked like we had record attendance from them and their staff. Everyone went back to their offices with some great Alabama products.

in Sandestin in July, this is a great time for us all to get together to learn and network with each other. I always leave that event a better grocer, more prepared to give our customers the type of community store they want and deserve. If you have not attended before, please plan to attend; it will be worth your time and effort.

We are continuing our efforts to monitor and work with our political leaders as they consider legislation that might have an effect on our business and how we can serve our customers. Ellie, Pat, and the whole team do a great job leading that effort. If you are called on to reach out to your representatives, please do so. They do pay attention when they hear from people in the areas they represent.

I would also like to thank the members who are willing to work on key committees like

Donate to support kids like  
**MARGARET ANNE**

Your donation helps Children's of Alabama end childhood cancers and blood disorders. Together, we are committed to a cure.



Margaret Anne, age 9  
Wilms Tumor

Looking ahead to important events, including our convention

government relations, convention, membership, etc. This work is very important to our success as an organization. If you would like to be more involved, please reach out to me or to Ellie and the staff at the office.

Also, if there is anything you think we could do to support you and your business, please bring those ideas to our attention. We are always looking for ways to make our members better and our organization better.

Have a great spring and summer, and I look forward to seeing you as we gather at the convention and other events. ■

Sincerely,

Wade



## Annual Show

*Bringing Grocers to the Table*

*Stars, Stripes, & Celebration*



**JULY 6-9, 2026**  
**SANDESTIN**  
**GOLF & BEACH RESORT**



MONDAY	TUESDAY	WEDNESDAY	THURSDAY
6	7	8	9





## PRESIDENT'S MESSAGE

# CLEARING UP THE CONFUSION: WHAT SB 221 MEANS FOR ALABAMA BUSINESSES



## ELLIE TAYLOR

President/CEO  
Alabama Grocers Association

### IN TODAY'S RETAIL ENVIRONMENT, CREDIT AND DEBIT CARD PAYMENTS ARE THE NORM.

From neighborhood grocery stores to family-owned restaurants, businesses across Alabama rely on electronic payment systems to serve their customers. But a little-known tax policy has created growing confusion—and potential financial risk—for many of those businesses. SB 221, currently before the Alabama Legislature, seeks to fix that problem by clarifying how sales tax applies to credit card transaction fees.

At the heart of the issue is whether credit card surcharge or transaction fees should be included in the amount subject to sales and use tax. These fees are typically added to offset interchange fees charged to merchants by credit card companies and payment processors. While sales tax is clearly intended to apply to the sale of goods and services, some businesses have discovered—often during an audit—that sales tax has also been applied to these payment-processing

fees based on administrative policy rather than explicit statutory language.

For many business owners, the surprise has not been the size of the tax itself, but the unexpected penalties and interest that can accompany audit findings. Because the policy is not widely understood, some merchants have unknowingly calculated sales tax differently, leaving them exposed to retroactive assessments. Small businesses, in particular, can feel the impact of such surprises.

SB 221 provides a straightforward solution: it

explicitly excludes credit card transaction fees from the sales and use tax base. In other words, the bill makes clear that sales tax should apply to what is being sold—not to the method a customer uses to pay. The legislation defines key terms and directs the Department of Revenue to implement rules consistent with this clarification. If enacted, the law would take effect on September 1, 2026.

Supporters of SB 221 emphasize what the bill does not do. It is not a tax cut, a tax break, or a loophole. It does not reduce sales tax on retail purchases. Instead, it addresses



photo courtesy of SeventyFour

what many view as an unintended expansion of the taxable base to include service fees that were never clearly authorized for taxation by the Legislature. By codifying the exclusion, lawmakers would restore predictability and align tax administration with legislative intent.

The broader conversation surrounding SB 221 reflects a common theme in tax policy debates: Clarity matters. Businesses need to understand their obligations, and tax

systems function best when the rules are transparent and consistently applied. In an economy where electronic payments are nearly universal, ensuring that tax law keeps pace with modern payment practices is essential.

**AS THE LEGISLATURE CONSIDERS  
SB 221, THE BILL OFFERS AN  
OPPORTUNITY TO REINFORCE A  
BASIC PRINCIPLE OF TAXATION—  
TAX THE SALE, NOT THE SWIPE.**

For Alabama businesses seeking clarity and stability, that distinction could make all the difference. It is also an important first step in our fight to remove interchange fees from the tax portion of our sales. ■

Sincerely,

## ASSOCIATION NEWS

### SUPERMARKET EMPLOYEE DAY

**ON FEBRUARY 22, WE PROUDLY CELEBRATED SUPERMARKET EMPLOYEE DAY AND RECOGNIZED THE DEDICATED MEN AND WOMEN WHO KEEP ALABAMA'S GROCERY STORES RUNNING STRONG EVERY DAY.**

From serving customers to stocking shelves and supporting their communities, supermarket employees are essential to the well-being of our state.

We were especially grateful to Governor Kay Ivey for her

official proclamation recognizing February 22 as Supermarket Employee Day in Alabama. Her support highlighted the vital role supermarket employees play in feeding families and strengthening our communities.

To every supermarket employee—thank you for your hard work, commitment, and service. We appreciate all that you do for Alabama. ■





ALABAMA GROCERS ASSOCIATION'S

2026

AWARD WINNERS



**JAY WELBORN**  
RETAILER OF THE YEAR



**BOYD WEST**  
WHOLESALER OF THE YEAR



**CHRIS WOODS**  
VENDOR OF THE YEAR



*Congratulations*





## LEGISLATIVE UPDATE

# A LEGISLATIVE SESSION UNLIKE ANY OTHER



### PATRICK MCWHORTER

Legislative Consultant  
The McWhorter Group

## THE LEGISLATIVE SESSION LEADING INTO THE ELECTION YEAR IS USUALLY A QUIET ONE. THAT HAS CERTAINLY NOT BEEN THE CASE THIS YEAR.

We've gone from bombshell legislation changing the Public Service Commission from an elected position to an appointed one, to leaked recordings of a private House GOP Caucus meeting with the Speaker making derogatory comments about the Republican Party, to the resignation of House Majority Leader Scott Stadhagen and his replacement, Rep. Paul Lee of Dothan, to the Senate GOP Caucus refusing to agree to putting our Ready To Drink (RTD) legislation on the floor for a vote.

It will be good to put this one in the rearview mirror. We are more than frustrated about the failure to pass our bill to allow our grocers to sell spirit-infused beverages in their stores. It's been six years now that we've tried to pass this legislation, and it's always the Senate where we run into this problem. We hope to continue working with our suppliers to find a solution

that will allow our grocers to sell these products in their stores. But one thing you need to know for sure: We will not give up. We will be back next year.



photo courtesy of Rimmabondarenko

Some good things have happened and are happening this year. Rep. David Faulkner brought HB328 in response to arson being committed twice in a Homewood member's store. The second event was done to provide cover for theft and resulted in \$5 million in damages. Thankfully, the employees of the store got everyone out safely, but this cannot happen again. So, Rep. Faulkner's bill will drastically increase the penalties for setting a fire in a large

store for the purpose of theft. It only needs a final vote in the Senate before going to Governor Ivey for her signature.

We are continuing to battle over legislation to force a request of a SNAP waiver from the federal government to exclude sugary drinks and other products from SNAP. Sen. Arthur Orr's SB57 was severe when introduced, but he granted our requests for changes, namely, to require a state agency to provide a specific listing of all products affected by the bill, to refine the definition of "candy" to exclude bakery items and other products containing sugar, and Sen. Orr himself added hold-



photo courtesy of Getty Images

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harmless language allowing for up to three accidental charges with no punishment. The bill passed the Senate and needs House committee and full House approval before it will go to the Governor. She has said she will sign what the Legislature sends her. Two similar bills have been introduced in the House but have not moved.

And we have been able to defeat bills that would create terrible burdens on the Department of Human Resources, such as requiring regular cross-checks between Medicaid and SNAP beneficiaries. Several bills have been filed to completely ban the sale of hemp beverages but have not moved, and

Democrats have filed bills to place a constitutional amendment on the ballot to legalize gambling and a lottery, but Republicans have shown no desire to tackle that issue this election year.

Our larger cities filed a lawsuit at the beginning of the session asking that the Simplified Sellers User Tax (SSUT) be declared unconstitutional. That created a great deal of anger among legislative leaders,

especially the budget chairs, and resulted in the lawsuit being withdrawn. Larger cities claim they are coming up short under this law that has been in effect for several years. It covers all shipments of products at an 8.5% rate, split between the state's General Fund and cities and counties.

**AS WISE OLD MARK TWAIN SAID,  
"NO MAN'S LIFE OR LIBERTY IS  
SAFE WHEN THE LEGISLATURE IS  
IN SESSION."**

We're always fighting for you. ■

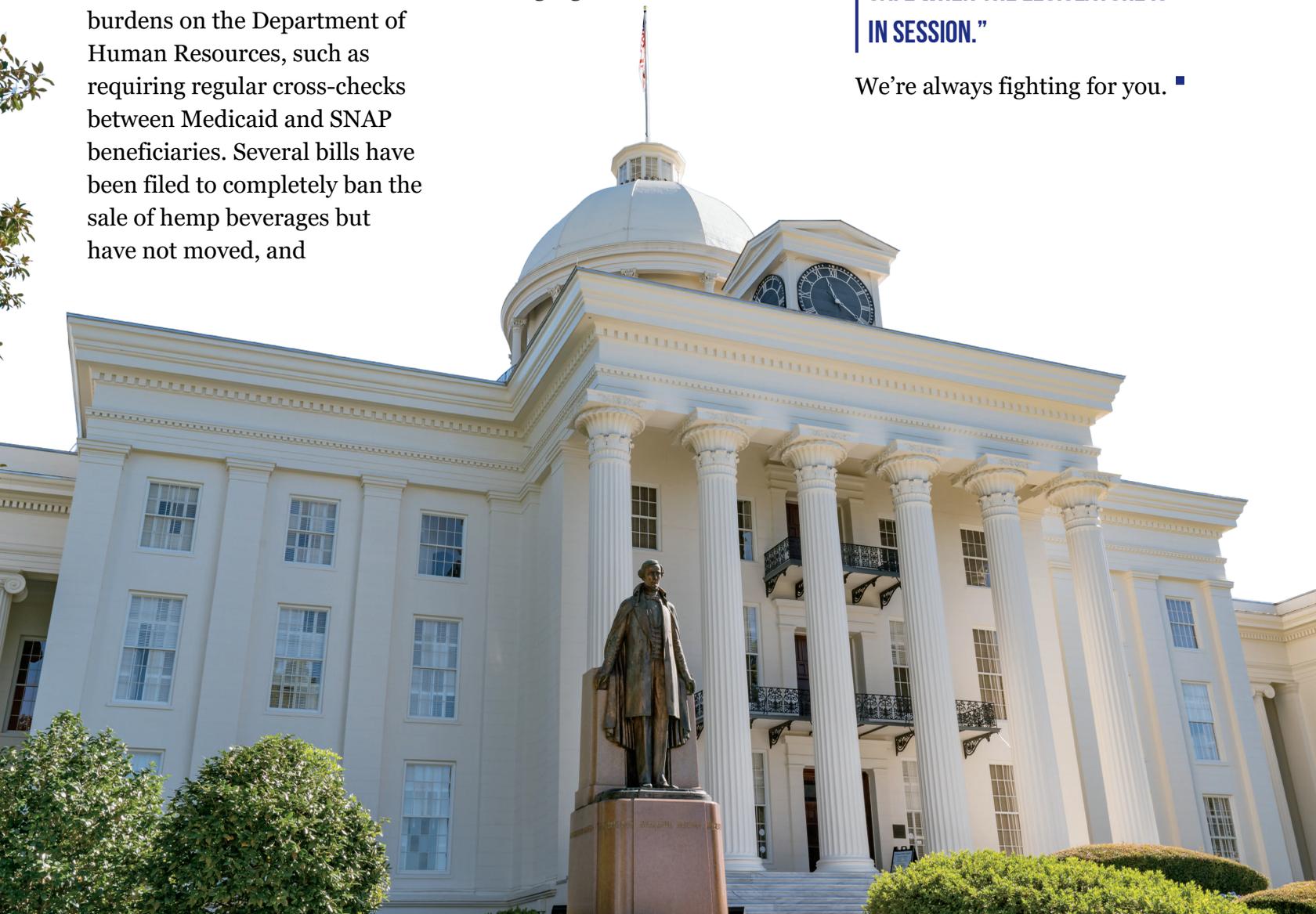


photo courtesy of Paul Brady



## DEDICATED RISK MANAGER – AN IMPORTANT POSITION IN THE FOOD SERVICES INDUSTRY



**PAUL DEMARCO**  
AGA General Counsel  
Parsons, Lee, & Juliano, PC

### FROM THE INCREASE OF BOTH TRANSPORTATION AND PRODUCT COSTS TO THE ALWAYS CHALLENGING PUZZLE OF HIRING AND KEEPING GOOD EMPLOYEES, GROCERS FACE MANY CHALLENGES.

Thus, when you add the potential for the criminal element and civil litigation, it really adds a lot more gray hairs to the owners of food industry establishments.

Thus, good security and risk management techniques are not only important, but essential. There are several ways to protect a business from both dangers. Of course, first and foremost, a system of comprehensive camera coverage of the premises is essential. The cameras have to include both the inside and outside of the facility. Whether it is law enforcement, your insurance carrier, or your company attorney coming in after a lawsuit has been filed, that will be one of the first questions asked. And if there is no video, or the video of an incident was not preserved, you are already handicapped. Clear video of an incident is the difference between winning and losing more often than not at



*photo courtesy of Pexels*

the local courthouse.

Yet, the surveillance system alone is just a piece of the puzzle.

**THE MOST IMPORTANT RISK MANAGEMENT TOOL FOR EACH AND EVERY COMPANY IS THE COMPANY EMPLOYEE WHO ENSURES THE POLICIES AND PROCEDURES ARE ENFORCED.**

That individual ensures a thorough investigation is conducted and any documentation, video, and photographs are preserved, whether it is a workers' compensation claim or an

incident involving a visitor to the store.

Each company should have a designated individual whose job responsibility includes a start to finish checklist to compile all that may be needed to assist prosecutors in a criminal matter involving the store or with insurance counsel helping to defend against a civil lawsuit. Too many times, the hustle and bustle of the average store manager does not allow the time and detail to properly complete an investigation that needs to be done. Thus, the appointment of a singular risk manager is not a luxury, but a true necessity.

Finally, the risk manager also is the best contact to work with any local, state and federal agencies that communicate with the company about an issue. Centralizing this responsibility with one individual goes a long way in protecting the safety of

customers and employees, in addition to store assets.

Whether the grocer has one, five or fifty stores, a dedicated risk manager is important for every company more than ever. ■

**Paul DeMarco is a former member of the Alabama House of Representatives and serves as the General Counsel for the Alabama Grocers Association.**



*photo courtesy of Atlasstudio*



THE VOICES BEHIND TODAY'S GROCERY INDUSTRY

**SUBSCRIBE**





## INDUSTRY NEWS

# A CALL TO ALABAMA'S INDEPENDENT GROCERS: YOUR VOICE MATTERS IN WASHINGTON



## GREG FERRARA

President & CEO  
*National Grocers Association*

## ALABAMA'S INDEPENDENT GROCERS HAVE ALWAYS UNDERSTOOD SOMETHING THAT POLICYMAKERS SOMETIMES OVERLOOK.

We are not just retailers. We are employers, sponsors of local teams, and a steady presence in neighborhoods that depend on us every day, during good times and bad. From rural towns to growing suburbs, Main Street grocers are often the last local business standing and the first place neighbors turn when they need help.

That is exactly why your voice is needed in Washington.

On May 19–20, 2026, independent grocers from across the country will gather in Washington, DC, for the National Grocers Association's Legislative Fly-In for Fair Competition. I am personally urging Alabama's grocers to join us. When we show up on Capitol Hill, we do more than attend meetings. We put a face on the policies that affect our stores, our employees, and the families we serve.

directly from the people who operate grocery stores on thin margins and long hours. They need to understand what it means when wholesale prices fluctuate unexpectedly. They need to see how swipe fees eat into profits on every debit and credit transaction. They need to hear how regulatory decisions ripple through supply chains and ultimately land at the checkout lane.

This fly-in is about making those realities clear in a constructive, bipartisan way.

One of our central priorities remains common-sense reforms to strengthen the Supplemental Nutrition Assistance Program. Independent grocers have been trusted partners in delivering SNAP benefits for decades. We see firsthand how essential this program is to families working hard to make ends meet. At the same time, we know improvements are needed to

protect the program's integrity, modernize systems, and ensure benefits are delivered securely and efficiently.

When Alabama grocers come to Washington, you bring real-world experience to the table. You can speak to how SNAP supports local economies. You can share how administrative burdens or payment issues affect store operations. You can help lawmakers understand that strengthening SNAP means strengthening communities.

Another major issue is credit card swipe fees. Every time a customer uses a card, a portion of the sale is paid to the largest financial institutions through interchange fees. For independent grocers operating on razor-thin margins, those fees are among the fastest-growing operating costs. Unlike other expenses, swipe fees are largely nonnegotiable. They are

---

set by networks with enormous market power.

We are advocating for meaningful reform that injects competition and transparency into the system. This is not about partisanship. It is about fairness. It is about ensuring that Main Street businesses are not at a structural disadvantage compared to larger players who can better absorb or negotiate these costs. When grocers share specific examples of how swipe fees affect pricing, hiring, or store investment, lawmakers listen.

We will also continue to push for robust enforcement of antitrust laws, including the Robinson-Patman Act. Independent grocers know what happens when competition is distorted. When large buyers receive preferential pricing that smaller retailers cannot access, it undermines the very concept of a level playing field. The result is fewer choices for consumers and growing consolidation in the marketplace.

Fair competition is not an abstract principle. It determines whether a family-owned grocery store can survive in a small Alabama town. It shapes whether local suppliers can find shelf space. It influences whether customers have real options close to home. By advocating for the enforcement of existing antitrust laws and sensible reforms that restore competitive balance, we are fighting for the future of independent retail.

The power of the fly-in is simple.

**WHEN GROCERS WALK INTO A CONGRESSIONAL OFFICE, THEY BRING AUTHENTICITY THAT NO WHITE PAPER CAN REPLICATE.**

Members of Congress and their staff consistently tell us how valuable it is to hear directly from store owners and operators. They want to know how federal policy plays out in their districts. They want practical insights, not talking points.

Alabama has a proud tradition of community-focused entrepreneurship. Your participation sends a powerful message that independent grocers are engaged, informed, and ready to lead. Whether you operate a single store in a rural community or multiple locations across the state, your experience matters.

We will provide policy briefings, talking points, and logistical support. What we cannot provide is your story. Only you can explain how SNAP policies, swipe fees, and competition affect your employees and customers. Only you can describe the pride in serving your community and the challenges of doing so in a rapidly changing marketplace.

I hope you will join us in Washington on May 19–20. Together, we can ensure that the voice of Alabama’s Main Street grocers is heard clearly on Capitol Hill. When independent grocers speak with unity and purpose, we create momentum for real change. And when we create change, we strengthen not just our businesses but the communities that rely on us every day.

I look forward to standing alongside you in Washington. ■

**nga** GROCERS TAKE ACTION  
NATIONAL GROCERS ASSOCIATION

## Fly-In for Fair Competition

May 19-20, 2026 | Washington D.C.





## MANAGING CHANGE INTELLIGENTLY



### MICHAEL SANSOLO

Retail Food Industry Consultant

### IT'S A SIMPLE GUESS THAT ANY EXECUTIVE TODAY (NO MATTER HOW LARGE OR SMALL A COMPANY THEY RUN) FACES AN OVERWHELMING TO-DO LIST.

On top of all the usual headaches (demanding customers, changing competition, staffing intricacies, regulations, etc.) technology now poses an entirely new raft of issues. And at the moment, that list is headed up by artificial intelligence (AI), which is developing and changing faster than almost anyone can comprehend.

But that changing technology also demands that all of us consider how we change with it and how we manage or lead in incredibly dynamic times. In other words, the most important technology is the one between our ears and how we manage, embrace or reject change.

For an example of this issue, let's go far from the food industry to a recent and very insightful example from the world of newspaper publishing and examine how the *New York Times*, arguably the nation's

best newspaper, created the NewYorkTimes.com, a wildly successful web edition.

Luckily, it's easy to learn this example thanks to a brilliant book about the newspaper written by Adam Nagourney, a former Times reporter, who, as chance would have it, was a colleague of mine some 40 years ago. (The book is simply called: "*The Times*.")

As the book details, the Times' path to Internet success was far from an instant or easy. In fact, the newspaper launched a web-based edition numerous times

only to have it fail each time.

What changed shouldn't surprise any of us. Essentially it came down to people and not technology. As Nagourney found in his study of the paper, the first attempts at an on-line version failed because the people in charge were seasoned—and very successful—members of the print newspaper team.

It's hardly surprising that these veteran staffers were far from enthusiastic about the new venture, which they saw as draining energy and resources from their existing work.

In fact, the web-version only succeeded when a new publisher took over and put the Internet team in a different building with new leadership committed to the on-line edition. And within a few months the on-line version became a wild success, vastly



photo courtesy of HALUSTD

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increasing subscriptions and broadening the Times audience to markets far from the newspaper's home in New York City. (Currently the Times boast nearly 13 million subscribers with more than 12 million of those getting the digital version.)

It's a story all of today's executives need to keep in mind as we all face decisions on how to invest and trust in new technologies, especially artificial intelligence. (Full disclosure: I'm happy to announce that I'll be presenting findings on AI and retail at this summer's AGA convention, the Annual Show.)

AI is an incredible technology, but like all technologies we need to remember that it's just a tool that can be used to improve efficiencies on a wide range of skills. For example, some companies already use AI to help with inventory management. Some retailers and manufacturers are using it to better anticipate peaks and valleys in customer demands for specific products.

There is also a widespread belief that AI will help companies with an almost limitless range of administrative functions including a number of areas impacting hiring, evaluations, scheduling and more.

*photo courtesy of Pixabay*

And while customers are already finding ways to use AI to help with menu planning and budgeting, the essence of your customer value proposition relies on human contact through service and skills that machines simply cannot replicate.

But let's return to the lesson from the *New York Times*. The main impediment to using this technology to the fullest isn't cost or know-how. More likely it will be the willingness of your most experienced staff (including top management) to embrace the potential of this new tool.

For example, if you ask people on your team about their experiences with AI you are much more likely to find younger, less experienced staffers who regularly use AI tools such as ChatGPT, CoPilot or Gemini. Retailers regularly employ teenagers who are adept at using these AI tools on schoolwork and more.

In many ways, AI forces companies to turn experience on its head, by letting the least experienced among your team help others enter this new world.

At the recent NGA convention, I led a panel discussion about AI and one of the easiest suggestions came from an

executive at a Midwestern retailer who explained she signed up for Chat GPT Pro for \$20 a month simply to get accustomed to the technology. Other members of the panel talked about how they are experimenting with what AI both can and cannot do so they can prepare their companies to eventually use it.

Essentially the key to unlocking the power of this incredible technology comes down to a willingness to learn about it, to experiment with it and to discuss with trading partners—retailers, wholesalers and suppliers—how they might be using it and what they have learned.

**IN MANY RESPECTS THE KEY ISN'T THE TECHNOLOGY, BUT RATHER OUR WILLINGNESS TO EMBRACE AND USE IT AND TO GET OUR TEAMS TO DO THE SAME.**

It might help to share with skeptics the reality of the *New York Times* story or simply to remind them that the largest competitors in the food retail industry are fully embracing and using AI and are constantly looking for ways to use it even more. (In this case it's important to remind everyone that Amazon.com is now a competitor and is at the leading edge of AI use and development.)

In countless ways the supermarket industry has grown through the decades by accepting, using and developing new technology. Scanning, which came into existence 50 years ago, was originally expected to be a labor saving device, but really blossomed into the source of data that drives virtually all decisions made in companies today.

Who knows what unexpected advances we will gain from AI. But it starts with a willingness to embrace change. ■



photo courtesy of Getty Images



**CELEBRATE  
AMERICA'S  
250<sup>TH</sup> BIRTHDAY  
WITH US!**

*Stars, Stripes,  
& Celebration*



**Annual Show**  
*Bringing Grocers to the Table*



**JULY 6-9, 2026  
SANDESTIN, FL**



## ADVOCACY AND PARTNERSHIP SHAPED FOOD POLICY IN 2025



### JENNIFER HATCHER

Chief Public Policy Officer and SVP, Government and Member Relations  
*Food Marketing Institute*

### THE ADVOCACY AND POLICY LANDSCAPE IN 2025 MOVED AT EXTRAORDINARY SPEED.

Shifting political dynamics, regulatory uncertainty and evolving consumer expectations created both challenges and opportunities for the food industry. Through strong collaboration among members and association partners, the year ultimately delivered meaningful policy victories that will benefit food retailers, wholesalers, suppliers and most importantly consumers.

#### **Securing Smart Tax Policy for Growth**

With several provisions of the Tax Cuts and Jobs Act approaching expiration, FMI's advocacy focused on preserving policies that support investment, innovation and job creation.

These efforts helped advance the permanence for key provisions, including Section 199A deductions, full expensing and research and development incentives, as well as the estate tax exemption. Equally important, we worked to prevent increases to the

corporate tax rate, preserved pass-through entity tax (PTET) treatment and protected the long-standing LIFO accounting method relied upon across the food sector. Together, these outcomes—secured through inclusion in the “One Big Beautiful Bill”—provide long-term certainty that allows food companies to plan strategic investments back into their businesses.

#### **Making Traceability Requirements Workable**

Regulations on traceability must be practical, achievable and result in demonstrated value to FDA and to consumers. In 2025, we worked with Congress and the Trump administration to secure adjustments to the Food Traceability Rule that provided additional compliance time and helped shape a more workable implementation framework. A legislative rider—included in one of only three appropriations bills enacted during the year—ensured that food companies are able to

continue advancing traceability goals without unnecessary cost burdens.

#### **Securing Flexibility on Refrigeration Regulations**

Retailers faced significant challenges regarding new EPA refrigeration requirements. The industry responded through a strategy that combined litigation, executive branch engagement and regulatory advocacy. These efforts resulted in a U.S. Department of Justice stay followed by a revised EPA rulemaking that granted retailers additional time and flexibility to comply. The outcome allows companies to transition to new technologies in a way that allows for the production of new systems and for technicians to be trained at sufficient levels. We also gathered broad support for EPA reconsidering the Management Rule, which impacts all units with 15 pounds of refrigerant or more. We will continue to press for a resolution in early 2026.



# GOLF OUTING

THURSDAY | 9 APRIL 2026

TIMBERLINE GOLF CLUB



✉ [jowen@alabamagrocers.org](mailto:jowen@alabamagrocers.org)

☎ 205.823.5498

🌐 [alabamagrocers.org](http://alabamagrocers.org)

📍 AGA, 300 Vestavia Parkway Ste. 3500, Birmingham, AL 35216

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## **Protecting SNAP Access and Retail Operations**

FMI also successfully safeguarded critical nutrition assistance programs. Through an extensive communications and advocacy campaign, we were able to preserve the average \$6 per person per day SNAP benefit, minimizing the impact of proposed state cost-sharing requirements while also coordinating with states and USDA officials to manage varying waiver requests. Importantly, the industry successfully protected the prohibition on transaction fees charged to retailers or customers. By keeping SNAP strong and workable, these efforts reinforced the program's role in supporting families in need.

## **Reducing Barriers to Trade**

Global trade policy continued to influence food affordability and product availability. FMI's efforts helped reduce tariffs on key food products, including goods covered under USMCA and items not produced domestically at all or in significant quantities to meet consumer demand.

## **Promoting National Uniformity in Ingredient Transparency**

One of the most complex policy debates of the year centered on ingredient disclosure and labeling requirements. Without federal action, companies face

the risk of navigating a costly patchwork of state-by-state rules. FMI co-founded the Americans for Ingredient Transparency (AFIT) coalition, which is seeking to advance a national uniform standard for consistent labeling and ingredient disclosure. Our engagement focuses on GRAS reform, front-of-package labeling discussions and expanded use of digital disclosure tools.

## **Fostering Practical Extended Producer Responsibility Policies**

As states advanced Extended Producer Responsibility (EPR) legislation, our efforts focused on ensuring policies recognized the complexity of packaging systems and protected affordable access to essential goods. We provided members with tools such as the EPR Guide 2025 and state-specific implementation resources to help them navigate emerging requirements.

## **Supporting Legal and Regulatory Compliance**

FMI continued serving as the leading resource on food, product, legal and compliance issues in an increasingly challenging regulatory environment.

## **Engaging on State and Local Issues**

Beyond federal policy, issues at the state and local level impact

the food industry, from alcohol regulations and worker scheduling laws to artificial intelligence and pricing policy and weights-and-measures requirements. Dedicated staff leadership and industry-focused newsletters ensured members remained informed and prepared across 18 different state policy areas.

## **Partnership Made the Difference**

None of these accomplishments would have been possible without strong leadership from the FMI Board of Directors, active engagement from member companies and deep collaboration with association partners and coalition allies.

In a year defined by speed, uncertainty and complexity, collective advocacy delivered measurable progress across tax policy, food safety, nutrition programs, trade, sustainability and regulatory modernization.

The successes of 2025 demonstrate what is possible when the food industry speaks with a unified voice. With strong partnerships in place and a proven advocacy framework, the industry enters the year ahead well positioned to meet new challenges, seize emerging opportunities and continue delivering for the communities we serve. ■



## OH, SNAP! FNS IS ABOUT TO INCREASE VARIETY REQUIREMENTS FOR SNAP RETAILERS



**STEWART FRIED**

Principal  
OFW Law

### **ON SEPTEMBER 25, 2025, USDA'S FOOD AND NUTRITION SERVICE (FNS) ISSUED A PROPOSED RULE THAT WILL SOON HAVE A PROFOUND IMPACT ON SNAP RETAILERS NATIONWIDE, ESPECIALLY CONVENIENCE STORES AND OTHER SMALL GROCERS.**

The proposed rule, "Updated Staple Food Stocking Standards for Retailers in the Supplemental Nutrition Assistance Program," is FNS's latest effort in response to a requirement in the 2014 Farm Bill that increased the minimum number of staple food varieties in each of the four staple food groups from three to seven. The 2014 Farm Bill also amended the Food and Nutrition Act of 2008 to require retailers to carry at least one variety of perishable foods (fresh or frozen) in each of three staple food categories.

In response to these statutory enactments, FNS promulgated a final rule in December 2016 that outlined what constituted a "variety" in each of the four staple food categories. FNS's Final Rule was not well received and Congress, pursuant to Section 765 of the Consolidated Appropriations Act of 2017 and subsequent appropriations

enactments, prohibited FNS from enforcing the variety provisions in the December 2016 Final Rule until after FNS modified what counted as acceptable staple food varieties for retailer eligibility. In April 2019, FNS published a proposed rule in response to Congress' restrictions on implementation of the variety provisions of the 2016 Final Rule. For the next five and a half years, during the end of the first Trump administration and the entirety of Biden's, FNS did not finalize that proposed rule.

Finally, on September 25, 2025, FNS issued another proposed rule, noting that the passage of time required it. The proposed rule is FNS's latest attempt to implement the Congressional directive in the 2014 Farm Bill. The September 2025 proposed rule again increases the number of varieties that SNAP retailers

must carry in each of the four staple food groups from three to seven and also requires authorized retailers to carry at least one fresh or frozen variety in at least three (up from two) staple food categories.

### **FNS'S ATTEMPT TO DEFINE DIFFERENT VARIETIES OF STAPLE FOOD GROUPS IS A MIXED BAG FOR SNAP RETAILERS.**

For example, the proposed rule subdivides dairy into twelve distinct categories and finally treats milk and cream as different varieties. Previously, FNS treated them as a single variety, even though the U.S. Food and Drug Administration established different standards of identify for both and the first listed ingredient in each is different. The proposed rule also treats plant-based alternatives (e.g. soy milk, almond milk, etc.) as different varieties as well. On the other hand, the agency will also treat

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powdered milk and shelf-stable milk as distinct varieties from perishable liquid milk. While the logic behind that distinction is entirely perplexing, it should make eligibility easier for many SNAP retailers.

On the other hand, the proposed rule's treatment of grains will make things much harder for many smaller retailers. For example, all breakfast cereals and mixes will be treated as a single variety, regardless of whether the primary ingredient is wheat, corn, oats, or other grains. Similarly, FNS will now treat all types of bread products, including sliced bread, bagels, buns, rolls, tortillas, pita, and croissants, as a single variety. All types of pasta, regardless of whether they are made from wheat, rice, chickpeas, or other grains, will also be treated as a single variety. And while flour will be treated as a separate category, it is likely that many smaller retailers will soon need to start stocking a small array of raw/dried grains, including rice, barley, quinoa, rye, and even sorghum and millet, in order to meet FNS's revised variety requirements.

FNS's treatment of the other two staple food groups, protein (formerly meat/poultry/fish) and fruits and vegetables, are relatively unchanged and are unlikely to be a major problem

for SNAP retailers. It may also result in an increase in the availability of fresh fruits and vegetables in food deserts across the country. For example, SNAP retailers can satisfy the increased variety requirements by having three units of each of the following fruits and vegetables: apples, oranges, bananas, potatoes, lettuce, tomatoes, carrots, and onions. The protein category can be met by stocking three cans of tuna, chicken, sardines, anchovies, along with three packages of bacon, three cartons of eggs, and three packs of beef hot dogs.

It is also important to note that the proposed rule also revises the definition of "prepared food" to formally exclude foods that are only cut or sliced in stores (e.g. fresh fruit, deli meat, etc.), but leaves many questions unanswered. For example, the term "prepared foods" is defined to include any "hot or cold food or beverages ready for immediate consumption that are assembled, cooked, mixed, or otherwise made ready for immediate consumption by the retailer on the premises of the firm." Does "assembled" include fountain drinks from a soda machine made with concentrated syrup and water? Does it matter whether the drink is put into a cup by a clerk or a customer? What

about potato salad and coleslaw sold in plastic containers with lids? While these items can all be consumed immediately without additional preparation, few (but not all) SNAP beneficiaries likely eat potato salad while waiting in line to check out; on the other hand, it is far more likely that drinks in cups will be consumed immediately. Why FNS, despite years of administrative litigation with retailers regarding these issues, did not address this in the proposed rule is disappointing.

What is clear is that grocers and convenience stores across the country will soon be required to comply with substantially increased variety requirements to remain SNAP-authorized retailers. On March 5, 2026, USDA Secretary Brooke Rollins announced, during a speech at USDA headquarters, that the Final Rule will soon be issued. What "soon" means is unclear; at the time of the publication of this article, that hasn't happened. However, regardless of when the USDA promulgates the Final Rule, by mid-summer, it is highly likely that SNAP retailers will be required to stock at least 84 staple foods items on a continuous basis in order to remain authorized, a substantial increase from the prior minimum of 36 units. Many SNAP retailers,

especially those in impoverished areas, may have difficulty keeping the increased minimum variety of staple foods in stock at all times; if that happens during a store visit conducted by an FNS contractor, retailers will find themselves facing the withdrawal of their SNAP authorization. But not all hope is lost: FNS already requires SNAP retailers to keep

purchase invoices and register receipts for at least one year. Aside from the agency's requirements, retailers should do so because the proposed rule permits them to provide documentation that they ordered and/or received the required stock up to 21 days prior to a store visit. While keeping purchase invoices and register receipts may end up saving your store's SNAP

authorization, it is clear that SNAP retailers will soon be required to stock many more staple food items. ■

**Stewart Fried is a Principal at OFW Law in Washington, DC. Mr. Fried represents SNAP retailers across the United States before FNS and the federal courts.**

# TUITION REIMBURSEMENT

ALABAMA GROCERS EDUCATION FOUNDATION

**Are you looking to grow your career through college courses and professional development?**

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## ASSOCIATION NEWS



### ALABAMA REPRESENTED WITH EXCELLENCE AT THE NGA SHOW

The Alabama Grocers Association team was proud to connect with grocery leaders from across the country at the National Grocers Association (NGA) Show and to celebrate a standout achievement by one of Alabama's own.

Elizabeth Ripperdan of Publix Super Markets, Inc. represented Alabama with distinction at the National Bagging Championship, earning 4th Runner-Up in a highly competitive field. Her professionalism, skill, and dedication reflected the very best of Alabama's grocery workforce.

AGA congratulates Elizabeth on this impressive accomplishment and thanks her for representing Alabama's grocery industry so well on the national stage. ■





# AGA PROUDLY OFFERS ITS GROUP HEALTH PLAN!



## BENEFITS & COVERAGE

We offer medical, dental and vision coverage for single, employee + spouse, employee + child(ren), and family plans.



## OPEN ENROLLMENT

Open Enrollment is February 23 - March 13, 2026.



## SMOOTH TRANSITION

Members on an existing health plan are eligible to participate in the AGA Health Plan. Open Enrollment is a qualifying event to change coverage.



## WEBSITE

For benefit information, frequently asked questions, how to enroll and more, visit [www.GrocersHealthTrust.com](http://www.GrocersHealthTrust.com)



### In-network deductibles:

Single - \$500, Family - \$1,000

### Out-of-pocket maximum:

Single - \$2,500, Family - \$5,000



## SCAN ME!

Scan the QR code to be take directly to the AGA Benefits website.



ASSOCIATION NEWS

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Expect Perfection.





## BUY ALABAMA'S BEST LUNCHEON KICKS OFF SPRING CONTEST



### RETAILERS, WHOLESALERS, AND BUY ALABAMA'S BEST MEMBER COMPANIES GATHERED FEBRUARY 4 AT THE CLUB IN BIRMINGHAM FOR THE 2026 BUY ALABAMA'S BEST RETAILER LUNCHEON.

The annual event celebrated Alabama-made products while strengthening partnerships across the state's grocery and food manufacturing industries.

A highlight of the luncheon was the presentation of a \$27,554 check to Children's of Alabama, representing funds raised through Buy Alabama's Best in-store icon sales by participating retailers over the past year. The program continues to demonstrate the power of Alabama grocers and vendors working together to support a meaningful cause while promoting Alabama-made products.

Special guests Tami Allen, Deputy Commissioner of the Alabama Department of Agriculture and Industries, and Grace Graffeo of Children's of Alabama shared insights on the

program's impact and expressed appreciation for the industry's continued support of Children's and its mission to care for children across the region.

The luncheon also served as the kickoff for the Spring Product Purchasing Contest, encouraging retailers to expand their support of Alabama-made products. Retailers are invited to purchase qualifying Buy Alabama's Best products

between February 1 and March 15.

Retail locations that purchase at least one case from 75 percent of Buy Alabama's Best member companies and submit the required form by April 15 will be entered into a drawing for a \$2,000 prize.

Retailers can learn more and submit the contest form online at:  
<https://alabamagrocers.org/ba-b-product-purchasing-contest/>







ASSOCIATION NEWS

## AGA NEW MEMBERS



**Don Driggers**  
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**Kevin McDaniel**  
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## AGA NEW MEMBERS CONTINUED



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**Landon Ash**  
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## STATE LEADERS CELEBRATE ALABAMA-MADE PRODUCTS AT BUY ALABAMA'S BEST DAY ON THE LAWN

STATE LEADERS, RETAILERS, AND FOOD MANUFACTURERS GATHERED ON FEBRUARY 25, 2026, AT THE ALABAMA STATE CAPITOL FOR THE ANNUAL BUY ALABAMA'S BEST DAY ON THE LAWN.

Hosted by the Alabama Grocers Association (AGA), the Alabama Department of Agriculture and Industries, and the Alabama Food Manufacturers and Producers Association (AFMPA), the event highlighted the strength and impact of Alabama-made products.

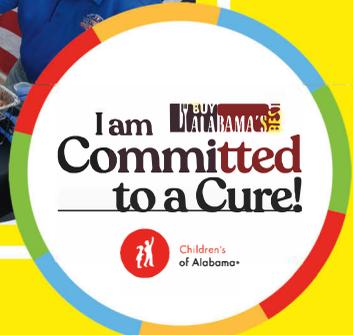
Governor Kay Ivey, Agriculture Commissioner Rick Pate, AFMPA President Kyle Kimsey, AGA Chairman Wade Payne, and AGA President/CEO Ellie Taylor joined legislators and guests in sampling products from participating Alabama companies, including Blue Bell Creameries, Bud's Best, Buffalo Rock, Cane Brew, China Doll/Dixie Lily, Coca-Cola Bottling United, Conecuh Sausage, Golden Eagle Syrup, Harmony Hydration, Mayfield, Midas/JM, Milo's, Moore's Marinade, MRaine Industries, LLC, Red Diamond, Uncle Bob's Sauces & Rubs, Utz/Golden Flake, and Wickles Pickles.

Since its launch in 2006, Buy Alabama's Best has showcased products made, manufactured, or headquartered in Alabama, strengthening local businesses and communities.

The campaign continues its longstanding partnership with Children's of Alabama, surpassing \$903,000 raised to support the hospital's fight against childhood cancer. Throughout March, participating retailers sell Buy Alabama's Best in-store icons, giving customers the opportunity to contribute directly at checkout.

Retailers across the state are promoting Alabama-made products in stores throughout March and year-round, encouraging shoppers to look for the Buy Alabama's Best logo and support local. ■

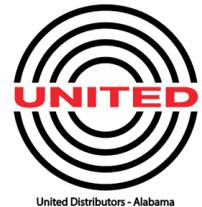






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## PREMIUM (\$10,000+)



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Wright's Markets



ASSOCIATION NEWS

# UPCOMING EVENTS AND SOCIAL MEDIA ACCOUNTS



**ALABAMA GROCERS  
EDUCATION FOUNDATION**

**GOLF OUTING  
APRIL 9, 2026  
TIMBERLINE GOLF CLUB**




**Annual Show**  
*Bringing Grocers to the Table*

**JULY 6-9, 2026  
SANDESTIN  
GOLF & BEACH RESORT**





**AGEF CLAY SHOOT**  
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**SELWOOD FARM  
10.08.26**



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11:30 AM - 1:30 PM**





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