



May 24, 2022

Melissa Cleary
Vice President, Sales
Clear Channel Airports

Mike Merritt
Senior Policy Director
Port of Seattle

Shane Harbinson
Assistant Director, Aviation Department
City of Austin

Dear Ms. Cleary, Mr. Merritt, and Mr. Harbinson,

Last week, Clear Channel Airports rejected an advertisement Farm Forward hoped to run at Seattle-Tacoma International Airport (operated by the Port of Seattle) and Austin-Bergstrom International Airport (operated by the City of Austin Aviation Department) on the grounds that it criticizes a specific company (Whole Foods Market). I am writing to appeal this decision and your request that we remove all mentions of Whole Foods Market to avoid a degree of controversy.

Under the First Amendment to the United States Constitution, Farm Forward has a right to present the contents of this public service announcement ([viewable here](#)) without it being restricted simply because the subject matter may be deemed unflattering to a particular corporation. And while we understand that Clear Channel is a private entity—and therefore not directly under the purview of the First Amendment—the cities that ultimately oversee the airports, copied on this correspondence, are. Denying our request without serious consideration violates the spirit of freedom of speech by blocking our ability to present an important message in a publicly operated space, even if that message is controversial to a third party.

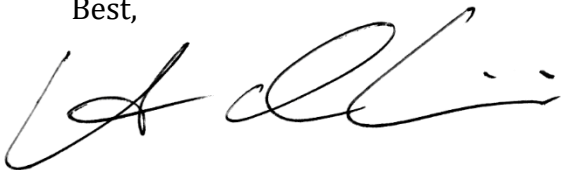
The contents of our ad are essential to the public interest. Research by both [Farm Forward](#) and by [George Washington University](#) revealed that the public may be deeply misled by claims about meat sold at Whole Foods Market; prohibited antibiotics were prevalent in cattle from Global Animal Partnership's Animal Welfare Certified™ program (the certification used by Whole Foods) and were even found in meat sampled directly from the retailer's shelves. Despite being made aware of our findings, [Whole Foods has claimed](#) that it has no knowledge of antibiotics reaching its store shelves. As Whole Foods continues to market and sell products under the premise of "no antibiotics, ever," the public has a right to know that antibiotic residues have been found in its meat. Further, we believe that Farm

Forward has just as much of a right to inform the public of this information *in its totality* as major companies have to display their latest products in these airports.

I would also ask that you look at previous challenges to freedom of speech in this nation's airports. For example, In 2011, the American Civil Liberties Union [filed a lawsuit](#) against the city of Philadelphia and Clear Channel Outdoor after a political ad from the NAACP was denied allowance at the Philadelphia International Airport. Then-General Counsel for the NAACP, Kim Keenan, wrote: "The walls of the Philadelphia International Airport are public space, and city officials do not have the right to suppress any group's viewpoint based on their own beliefs or political considerations." A federal court agreed, [deeming the airport policy unconstitutional](#). Another example can be found in a [2017 decision](#) in which the Oregon Court of Appeals upheld that the Port of Portland cannot reject an advertisement on a political basis.

Given this precedent, I ask that you reconsider our proposed advertisement as it is, without the removal of Whole Foods Market. Thank you for your time and consideration.

Best,

A handwritten signature in black ink, appearing to read 'A deCoriolis', with a stylized, cursive script.

Andrew deCoriolis
Executive Director
Farm Forward



May 24, 2022

Matt Pellitteri
Senior Director, West Region - SMB Sales
Intersection

Suraj Shetty
Executive Director of Operations
Sound Transit

Dear Mr. Pellitteri and Mr. Shetty,

Earlier this week, Intersection, on behalf of Sound Transit, rejected an advertisement Farm Forward hoped to run about Whole Foods Market on Seattle-area public transit on the grounds that it was of a “controversial nature.” I am writing to appeal this decision and ask you to reconsider the advertisement.

Under the First Amendment to the United States Constitution, Farm Forward has a right to present the contents of this public service announcement ([viewable here](#)) without it being restricted simply because the subject matter may be deemed controversial. Denying our request without serious consideration violates the spirit of freedom of speech by blocking our ability to present an important message in a publicly operated and taxpayer-funded space, even if that message is controversial to a third party.

The contents of our ad are essential to the public interest. Research by both [Farm Forward](#) and by [George Washington University](#) revealed that the public may be deeply misled by claims about meat sold at Whole Foods Market; prohibited antibiotics were prevalent in cattle from Global Animal Partnership’s Animal Welfare Certified™ program (the certification used by Whole Foods) and were even found in meat sampled directly from the retailer’s shelves. Despite being made aware of our findings, [Whole Foods has claimed](#) that it has no knowledge of antibiotics reaching its store shelves. As Whole Foods continues to market and sell products under the premise of “no antibiotics, ever,” the public has a right to know that antibiotic residues have been found in its meat. Further, we believe that Farm Forward has just as much of a right to inform the public of this information *in its totality* as major companies have to display their latest products in these airports.

I would also ask that you look at previous challenges to freedom of speech in the context of this nation’s public transportation. For example, In 2011, the American Civil Liberties Union filed a lawsuit against the city of Philadelphia and Clear Channel Outdoor after a political ad from the NAACP was denied allowance at the Philadelphia International Airport. Then-General Counsel for the NAACP, Kim Keenan, wrote: “The walls of the Philadelphia International Airport are public space, and city officials do not have the right

to suppress any group's viewpoint based on their own beliefs or political considerations." A federal court agreed, [deeming the airport policy unconstitutional](#). Another example can be found in a [2017 decision](#) in which the Oregon Court of Appeals upheld that the Port of Portland cannot reject an advertisement on a political basis.

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Andrew deCoriolis
Executive Director
Farm Forward