

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

March 27, 2024

Ms. Debra Crew
Chief Executive Officer
Diageo
16 Great Marlborough Street
London W1F 7HS
United Kingdom

Ms. Sally Grimes
Chief Executive Officer
Diageo North America
Three World Trade Center
175 Greenwich Street
New York, NY 10007

Dear Ms. Crew and Ms. Grimes:

The Committee on the Judiciary is conducting oversight of the adequacy and enforcement of U.S. antitrust laws. The World Federation of Advertisers (WFA) through its Global Alliance for Responsible Media (GARM) initiative may be acting inconsistent with U.S. antitrust laws and congressional intent by coordinating GARM members' efforts to demonetize and eliminate disfavored content online. Accordingly, to inform our oversight and potential legislative remedies, we write to ask Diageo to preserve and provide documents and information.

Diageo's position on GARM's Steer Team places Diageo at the center of many of the concerning actions GARM and its members coordinated. Evidence the Committee has obtained suggests that GARM members, led by Steer Team members, are colluding to demonetize conservative platforms and voices.¹ Further, this coordination does not always revolve around "brand safety" and "harmful" content as GARM publicly claims, but instead the desire to censor conservative and other views that GARM members disfavor.² Communications the Committee has reviewed directly connects Diageo with these efforts.³

¹ Letter from Jim Jordan, Chair H. Comm. on the Judiciary to Daniel C. Sale, King & Spalding (May 5, 2023).

² GARM document productions to the Committee.

³ *Id.*

Under the Sherman Act, these types of agreements may be illegal,⁴ and they require considering the adequacy of current law. The actions are concerning and warrant oversight because the harm that GARM causes to consumers is severe. For example, content creators lose revenue as “advertising investment is steered away from” content that GARM disfavors.⁵ Less content is then available as platforms remove disfavored material, and as creators and publishers lose income.⁶

Accordingly, to further the Committee’s investigation into coordination among GARM members, please produce the following documents and information for the period from January 1, 2019, to the present:

1. All documents and communications, including but not limited to communications with WFA and GARM and WFA and GARM members, referring or relating to the categorization, demonetization, or elimination of online speech;
2. All documents and communications referring or relating to conservative media outlets, including Fox News, Daily Wire, and Breitbart;
3. All documents and communications referring or relating to advertising, so-called misinformation, so-called harmful content, or disfavored content on the social media platform X (formerly Twitter) and changes to X following Elon Musk’s acquisition of the company;
4. All documents and communications referring or relating to advertising, so-called misinformation, so-called harmful content, or disfavored content on Joe Rogan’s podcast; and
5. All documents and communications referring or relating to Diageo’s involvement in WFA or GARM, including all call notes of discussions or meetings with GARM or GARM members.

Please produce the requested information as soon as possible, but no later than 5:00 p.m. EDT on April 10, 2024. Furthermore, this letter serves as a formal request to preserve all existing and future records and materials relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using your official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

⁴ See 15 U.S.C. § 1; see also 18 U.S.C. § 3282 (statute of limitations for criminal enforcement of the Sherman Act is currently five years).

⁵ GLOBAL ALL. FOR RESPONSIBLE MEDIA, GARM: 3 YEARS OF PROGRESS 3 (June 20, 2022).

⁶ See *id.*

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Pursuant to the Rules of the House of Representatives, the Committee has jurisdiction to conduct oversight of matters concerning the “[p]rotection of trade and commerce against unlawful restraints and monopolies” to inform potential legislative reforms, such as whether existing civil and criminal penalties and current antitrust law enforcement efforts are sufficient to deter anticompetitive collusion regarding demonetization and elimination of online speech.⁷

If you have any questions about this request, please contact Committee staff at (202) 225-6906. Thank you in advance for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized with a large "J" and a long, sweeping underline.

Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

⁷ Rules of the House of Representatives R. X (2023).