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ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON THE JUDICIARY
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December 18, 2024

Mr. Philippe Krakowsky
Chief Executive Officer
Interpublic Group
909 Third Avenue
New York, NY 10022

Dear Mr. Krakowsky:

The Committee on the Judiciary is conducting oversight of the adequacy and enforcement of U.S. antitrust laws.[1] On December 9, 2024, Omnicom Group announced that it would acquire Interpublic Group to create the largest advertising agency in the world with over 100,000 employees and close to $25 billion in annual revenue.[2] Both companies were founding members of an advertising cartel that only recently disbanded after the Committee began examining its collusive practices.[3] The proposed merger of these companies will combine horizontal competitors with a history of collusion, increasing the likelihood of coordinated effects post-merger. Accordingly, as the Committee continues its oversight to inform potential legislative reforms, we write to ask Interpublic Group (Interpublic) to preserve documents and provide information.

The Committee has been investigating the World Federation of Advertisers (WFA) and its now-defunct Global Alliance for Responsible Media (GARM) initiative to examine the sufficiency of existing antitrust laws.[4] Through its oversight, the Committee discovered collusive behavior that deprived consumers of a diverse offering of platforms and content online.[5] In the words of its founder, Robert Rakowitz, GARM sought to "ensur[e] we fund the voices we want to associate with, and close down the advertising ecosystem to bad actors."[6] GARM accomplished these goals through "uncommon collaboration," a collusive effort that Mr.

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[1] Rules of the House of Representatives R. X (2023).
[2] Erin Griffith and Danielle Kaye, *Two Major Ad Agencies to Merge, Creating Global Giant*, N.Y. TIMES, (Dec. 9, 2024), https://www.nytimes.com/2024/12/09/business/omnicom-interpublic-merger.html?smid=nytcore-ios-share&referringSource=articleShare.
[3] HJC-WFA-GARM-000016155.
[4] Letter from Jim Jordan, Chair H. Comm. on the Judiciary to Robert Rakowitz, GARM (Mar. 22, 2023).
[5] *See generally* STAFF OF THE HOUSE COMMITTEE ON THE JUDICIARY, 118TH CONG., GARM'S HARM – HOW THE WORLD'S BIGGEST BRANDS SEEK TO CONTROL ONLINE SPEECH (2024) (hereinafter "GARM Staff Report").
[6] HJC-WFA-GARM-000016155, at -156.

Rakowitz described as "all sides of the industry together, uncommon collaboration has competitors working together . . . to rise above individual commercial interests."[7] Mr. Rakowitz stated that this coordination was necessary because unilateral action was "getting the industry nowhere" in terms of removing disfavored information from digital media channels.[8]

The Committee's oversight uncovered GARM's efforts to arbitrarily label disfavored outlets and platforms as so-called harmful content and deprive those entities of advertising revenue.[9] Specifically, the Committee's oversight detailed how GARM led a group boycott of Twitter following Elon Musk's acquisition of the platform.[10] GARM also attacked Joe Rogan's podcast and the platform hosting it for allegedly spreading so-called misinformation.[11] GARM sought to utilize "disinformation experts" to help the group identify untrustworthy news outlets and systematically blacklist them.[12] GARM members wrote that they took these and similar actions because they "hated" conservative "ideology."[13]

The Committee's oversight also showed that GARM's censorship actions were contrary to the wishes of its consumers. According to documents obtained by the Committee, GARM circulated Gallup polling that noted an overwhelming majority of Americans do not support GARM's aims.[14] For example, Mr. Rakowitz acknowledged that "2/3 of US consumers value freedom of speech/expression over risks of exposure to harmful content."[15] Even despite this data showing consumer preference, GARM continued to collude in a way that appears to have harmed consumers.

Given that your company was a member of GARM from its inception and was also an active participant in GARM during its collusive activities, the proposed merger raises potential anticompetitive concerns. To further the Committee's oversight of the adequacy of existing antitrust laws, the Committee respectfully requests that Interpublic answer the questions below:

1. What precautions, if any, are being put in place or have already been put in place to ensure that the merged entity does not use its consolidated market power to replicate GARM's anticompetitive behavior?

2. What industry initiatives or groups dedicated to so-called "brand safety" is your company involved in, a member of, or in any way a participant in?

Please provide responses to the Committee's requests as soon as possible, but by no later than January 7, 2025, at 12:00 p.m.

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[7] HJC-WFA-GARM-000016155.
[8] *Id*.
[9] *See generally* GARM Staff Report, *supra* note 5 at 9-10.
[10] GARM Staff Report, *supra* note 5 at 12.
[11] GARM Staff Report, *supra* note 5 at 17.
[12] HJC-WFA-GARM-000100343, at -348.
[13] HJC-WFA-GARM-000022078, at -079.
[14] HJC-WFA-GARM-000123316, at -317.
[15] *Id*.

Additionally, as a member of GARM, the Committee has reason to believe Interpublic may be in possession of documents and communications related to GARM's collusive activity. Accordingly, the Committee requests that Interpublic preserve the following materials:

1. All documents and communications referring or relating to WFA or GARM, Interpublic's involvement in WFA or GARM, including but not limited to all call notes of discussions or meetings with GARM or GARM members;

2. All documents and communications, including but not limited to communications with WFA and GARM and communications with WFA and GARM members, referring or relating to the categorization, monetization, demonetization, moderation, or elimination of speech; and

3. All documents and communications related to so-called "brand safety."

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.

Pursuant to Rule X of the Rules of the House of Representatives, the Committee is authorized to conduct oversight of and legislate on matters relating to the "[p]rotection of trade and commerce against unlawful restraints and monopolies."[16] 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,

Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

[16] Rules of the House of Representatives R. X (2023).