



Protecting and Promoting the
Health of NFL Players:
Legal and Ethical Analysis and Recommendations

Chapter 19

Christopher R. Deubert
I. Glenn Cohen
Holly Fernandez Lynch

Petrie-Flom Center for Health Law Policy, Biotechnology,
and Bioethics at Harvard Law School

NFL Business Partners



In the 2015 season, the NFL had approximately 29 official corporate partners,^a which collectively paid the NFL more than one billion dollars annually.¹ While there are many other companies that might advertise on television during NFL games or around other NFL events, the business partners we are principally focused on here are the ones that have reached an agreement with the NFL to be considered an official partner or sponsor of the NFL. These business partners are an important component in professional football. Such a role includes the potential, and at times the obligation, to also play a role in player health.

^a These corporate partners are sponsors of the NFL as opposed to sponsors of particular clubs or players. In addition, none of them are Medical Service Providers, as discussed in Chapter 2: Club Doctors.

In order to ensure that this chapter was as accurate and valuable as possible, we invited nine NFL business partners to review a draft version before publication: Verizon, Anheuser-Busch, Pepsi, and McDonald's did not respond to multiple invitations to review the Report; Gatorade, FedEx, and Nationwide Insurance declined to review the draft; Microsoft reviewed the chapter but did not provide any comments; and, Nike provided a single comment affirming the importance of player health and safety to Nike.^b

b Nike's full comment: "As a sponsor of the NFL and the sponsor and footwear provider of many individual players, the safety and well-being of players is important to us. Through the years NIKE has worked closely with the both the NFLPA and the NFL in the NFL Foot and Ankle Committee (a subsection of the Player Safety Committee). Additionally, we have always worked directly with athletes, teams and equipment managers on testing, feedback and changes to our products to help athletes perform to their highest ability." E-mail from Nike counsel to author (May 18, 2016, 12:05 PM).

(A) Background

The largest NFL business partners at the time of publication include Verizon (\$250 million in sponsorship annually);² Anheuser-Busch (\$233 million);³ Nike (\$220 million);⁴ Pepsi (\$100 million);⁵ and, Microsoft (\$80 million).⁶ The relationship with the NFL generally provides the business partners, among other things, advertising during NFL games and through other NFL media, the right to include the NFL logo on their products and in their advertisements, the right to advertise themselves as the "official" brand of the NFL, exclusivity in their brand category, and/or the right to engage in promotional activities at NFL events, such as the Super Bowl. The business partners have clearly determined that the value of their association with the NFL and the related exposure exceeds the millions in sponsorship fees.



Table 19-A:
NFL Sponsors (2015)⁷

Sponsor	Category	Since
Gatorade	Isotonic beverage	1983
Visa USA	Payment systems service	1995
Campbell's Soup	Soup	1998
FedEx	Worldwide package delivery service	2000
Frito-Lay	Salted snack/popcorn/peanuts/dip	2000
Mars Snackfood	Chocolate and non-chocolate confectionery	2002
Pepsi	Soft drinks	2002
Bridgestone	Tire	2009
Procter & Gamble (Gillette, Head & Shoulders, Vicks, Old Spice)	Grooming products, fabric care/air care, household needs	2009
Verizon	Wireless telecommunication service	2010
Barclays	Affinity card/rewards program	2010
Papa John's	Pizza	2010
Castrol	Motor oil	2010
Anheuser-Busch	Beer	2011
USAA	Insurance/military appreciation	2011
Bose	Home theater system	2011
Marriott	Hotel	2011
Xbox (Microsoft)	Video game console, interactive video entertainment console	2011
Nike	Athletic apparel	2012
Quaker	Hot cereal	2012
Procter & Gamble (Tide, Duracell)	Household cleaning, battery power	2012
Lenovo	Computers (desktop, laptop, and computer workstations)	2012
McDonald's	Restaurant	2012
SAP	Cloud software solutions, business and business analytics	2012
Microsoft (Surface, Windows)	Sideline technology (tablet, PC operating system)	2013
Cover Girl	Beauty	2013
Nationwide	Insurance	2014
Extreme Networks	Wi-Fi Analytics Provider	2014
Hyundai	Automobile	2015

(B) Current Legal Obligations^c

Although NFL players and NFL business partners benefit from one another, there is generally no direct legal relationship between them. While some players might also enter into endorsement agreements with the business partners, these contracts concern marketing matters and would not create any legal obligations for the business partners concerning NFL player health.⁸ Similarly, the CBA does not create any obligations on NFL business partners, nor could it, since the CBA is a contract between the clubs and players. Thus, NFL business partners have no legal obligations to NFL players specific to their status as business partners.

(C) Current Ethical Codes

The NFL is supported by a range of business partners whose main focus often has nothing to do with football, but instead centers on reaching the NFL's massive audience for marketing purposes. Reaching consumers is a legitimate and important business goal, but not all advertising venues are fair game. One can imagine a wide variety of unsavory outlets a company would prefer (and ought) to avoid, even if they would be an effective way to reach potential customers. This is because companies are often concerned—either genuinely, or out of fear that negative responses from consumers will affect their bottom line—that they may contribute to some ethically problematic endeavor, thereby becoming complicit in or even exacerbating it. Notably, complicity comes in many forms, ranging from failure to intervene when one has the capacity to provide assistance to offering active support to an ethically problematic activity.

As increasing questions arise about the health of professional football players, NFL business partners (and their customers) may ask themselves, “what is our responsibility?” That is, what level and type of support should they be providing to the NFL, or from a different angle, to the players? At root, these questions are about unclean hands, and whether NFL business partners are profiting on the backs of players who may suffer dire consequences in the long term. While the precise risks and benefits of an NFL career remain subject to debate, the concerns suggest that these are precisely the questions that ethically responsible companies should ask. To avoid complicity, these companies should be concerned with what endeavors they allow their money to support, and in what ways they can and/or should wield their power to affect change.

The concept of corporate social responsibility seeks to address these questions. We find it a useful framework for understanding the ethical obligations NFL business partners might have towards players. The most influential articulation of corporate social responsibility principles is the United Nations Guiding Principles on Business and Human Rights, published in 2011 (“Guiding Principles”).⁹ Indeed, many NFL business partners have stated their intention to comply with the Guiding Principles.¹⁰

To be clear, we are not claiming that any of the problems we discuss in this Report or that NFL players face by playing football rise to the level of human rights violations; given the simple fact of consent to play and payment for services, the difficulties players face do not compare to the numerous and ongoing tragedies around the world that human rights law is thought to govern. Nonetheless, the Guiding Principles provide a framework for understanding business enterprises’ ethical obligations concerning others. This framework is useful to understanding the relationship between NFL business partners and players, even if we are not discussing human rights violations.

To put the point another way, in asking the question “what ethical obligations should business partners have as to the health of NFL players,” it is useful to begin by understanding what recognized ethical obligations they have in the human rights realm, simply as a starting point. The Guiding Principles include several principles that may be relevant to that inquiry:

- Business enterprises should “[s]eek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.”¹¹
- “[B]usiness enterprises should carry out human rights due diligence” including “assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed.”¹²
- Business enterprises should engage in “meaningful consultation with potentially affected groups and other relevant stakeholders.”¹³
- Business enterprises should “exercise” leverage “to prevent or mitigate the adverse impact” when possible.¹⁴
- Business enterprises which lack the leverage to prevent or mitigate the adverse impact should consider “collaborating with other actors.”¹⁵

^c The legal obligations described herein are not an exhaustive list but are those we believe are most relevant to player health.

In the corporate context, these responsibilities are considered as defining the ethical business conduct, but the Guiding Principles do not purport to be legally enforceable obligations. Nonetheless, using the Guiding Principles as persuasive authority, we highlight two of the above principles for further discussion.

Importantly, the Guiding Principles do not require that the business enterprises' conduct cause an adverse impact, only that they be "directly linked." NFL business partners' practices almost certainly do not cause player health problems, but for reasons discussed in this chapter, there is a direct link between business partners' practices and player health issues.

Second, the second-to-last bullet point recognizes business enterprises' obligations to exercise leverage where appropriate. Again, for reasons discussed in this chapter, business partners have the ability to wield influence with the NFL. With that influence comes the responsibility to act conscientiously and force others to do the same, including on matters concerning player health.

(D) Current Practices

NFL business partners' approach to NFL player health issues is best highlighted by examining their response to recent NFL controversies. When the NFL faced scrutiny for mishandled domestic violence incidents in the fall of 2014, many of its major sponsors issued generalized statements expressing disappointment in the situation and calling on the NFL to make changes.¹⁶ However, research has not

revealed any statements by any NFL corporate sponsor concerning the lawsuits over concussions or painkillers, or any other player health or safety issue.

Business partners should be concerned with what endeavors they allow their money to support, and in what ways they can and/or should wield their power to affect change.

Much of the relationship between business partners and the NFL occurs behind closed doors. All we can see are the public positions, statements, and actions undertaken by business partners. Taking inspiration from the Guiding Principles (and again emphasizing that there is no claim that we are talking about human rights violations), and evaluating only based on the public record (a limitation, to be sure), it does not appear that NFL business partners have undertaken any of these kinds of efforts to prevent harm to the health of NFL players, or even to influence a culture that recognizes the value and importance of player health. That is, there is no evidence that NFL business partners have: (1) sought to prevent or mitigate player health problems; (2) conducted due diligence concerning player health issues; (3) engaged in meaningful consultation

Research has not revealed any statements by any NFL corporate sponsor concerning the lawsuits over concussions or painkillers, or any other player health or safety issue.



with players concerning player health issues; (4) exercised leverage in an individual capacity to prevent or mitigate player health problems; or, (5) exercised leverage in a collaborative capacity to prevent or mitigate player health problems.^d

Commentators have opined that one way to push the NFL to make meaningful changes to its policies or course of conduct regarding player health is to threaten financial consequences, *i.e.*, if business partners threatened to stop doing business with the NFL.¹⁷ Thus, there seemingly exists the possibility that NFL business partners have the power to effect change—or to at least begin meaningful conversation about change—concerning player health issues.

Nevertheless, so long as the NFL remains a valuable property with which to be associated, it seems unlikely that individual business partners would risk damaging their relationships with the NFL by either taking adverse positions or putting pressure on the League. At the same time, this may be an era where the economic realities are changing.

Business enterprises that engage in sponsorship like that of the NFL's business partners are principally concerned with

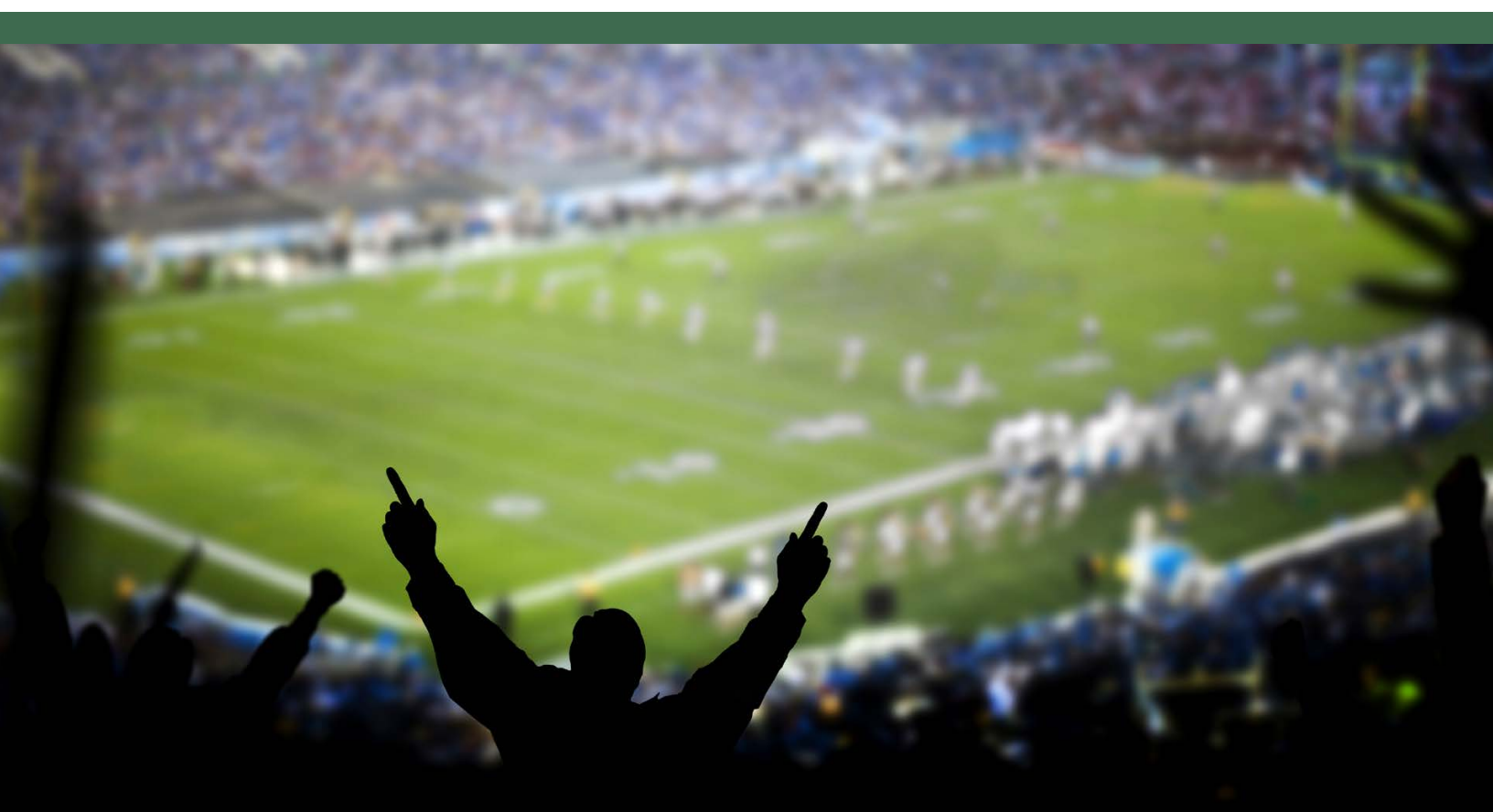
deriving economic value from the sponsorship through increased brand awareness and positive association with the sponsored entity, *e.g.*, the NFL. Negative publicity for the NFL or decreased attention to the NFL (*e.g.*, television ratings) lessens the economic value of the business partner's sponsorship. NFL player health issues have created negative attention for the NFL through lawsuits, news articles, and other means. This negative attention has the potential to spread to the NFL's business partners through a "guilt by association" mindset.^e Thus, this may be the moment where economic and ethical interests align, such that business partners can take on a more prominent role in pressing for protection of player health.

(E) Enforcement of Legal and Ethical Obligations

In the absence of any existing legal or ethical obligations for NFL business partners concerning NFL player health, there can be no enforcement of any such legal or ethical obligations.

^d The business partners' conduct must also be viewed in light of Guiding Principle No. 24, which states that "[w]here it is necessary to prioritize actions to address actual and potential adverse human rights impacts, business enterprises should first seek to prevent and mitigate those that are most severe or where delayed response would make them irremediable." Thus, some business partners might believe there are issues of a human rights nature that deserve greater attention and immediacy than their involvement in NFL player health matters.

^e Such concerns are not hypothetical. In 2014, five sponsors (Sony, Emirates Airlines, Castrol, Continental and Johnson & Johnson) pulled their sponsorship of FIFA's World Cup due to extensive allegations of corruption within the international soccer organization. See Peter Sharkey, *Cup Joy's a World Apart From FIFA 'Toxic Brand'*, Birmingham Post (UK), Jan. 29, 2015, available at 2015 WLNR 2794660.



(F) Recommendations Concerning NFL Business Partners

NFL business partners, due to the power of their purses, have a unique ability to influence the NFL to make positive changes concerning player health. Below we make recommendations that can improve business partners' approaches to player health issues, to the benefit of both players and the business partners. In making these recommendations, we also stress that while we recommend and encourage business partners to act independently when necessary, that if business partners collaborated and worked collectively on these issues they would be more likely to achieve positive changes quickly and effectively.

Goal 1: To encourage NFL business partners to work towards advancing a culture of health for NFL players.

Principles Advanced: Respect; Health Primacy; Collaboration and Engagement; and, Justice.

Recommendation 19:1-A: NFL business partners should not remain silent on NFL player health-related policies.

During the 2014 season, the NFL's business partners condemned the NFL's failures to handle and address domestic violence issues. Several of the business partners' statements reflected on the NFL's place in our society and emphasized the need for ethical conduct and leadership.¹⁸ However, none of the business partners have ever made any statements concerning the risks players face in playing professional football and the tolls of such a career. Moreover, the business partners never made any statement concerning the allegations in the Concussion Litigation (*see* Chapter 7: The NFL and NFLPA) that for many years the NFL misrepresented the risks of playing professional football to players. Why this asymmetry? It is quite possible that business partners' comments on the domestic violence issue were in response to greater public pressure, and the more diffuse public pressure on player health has not yet reached the same crescendo.

Nevertheless, for the same reasons business partners commented on the NFL's domestic violence issues, they should also make their voices heard on player health-related issues. Business partners, like everyone in the professional football universe, need to understand and accept their responsibilities and role concerning player health.

A recent useful example is the energy bar company Clif Bar. Clif Bar sponsors adventure sports athletes, including mountain climbers. After determining that some of these athletes were taking risks that were excessive (such as not using safety ropes or BASE jumping), Clif Bar pulled their sponsorships of some of these athletes and issued a statement clarifying the types of risks Clif Bar felt comfortable supporting. Of particular relevance, Clif Bar indicated that it "no longer [felt] good about benefitting from the amount of risk certain athletes [we]re taking[.]"¹⁹

Recommendation 19:1-B: NFL business partners should consider applying pressure on the NFL to improve player health.

The NFL is a business and, like any business, does not want to suffer a drop in revenue. Individually, the business partners might not represent a significant portion of the NFL's revenue, but collectively the business partners' sponsorship fees comprise more than 10 percent of the NFL's revenue. Thus, collectively, the business partners have leverage, *i.e.*, the ability to force the NFL to make change at the threat of losing hundreds of millions of dollars. The business partners, consistent

Recommendations Concerning NFL Business Partners – continued

with the spirit of the Guiding Principles and other social responsibility initiatives and aspirations they have, should use their power of the purse to help the players from whom they derive considerable financial value.^f

To be fair, business partners might reasonably be concerned that any exercise of such leverage will only result in the NFL replacing them with a competitor. However, the NFL has reasons to maintain continuity with its business partners. Sponsor turnover is bad for brand loyalty and identification for both the sponsor and the NFL, thus decreasing the value of the replacement partner's sponsorship. For example, Pepsi is currently the official soft drink of the NFL. If Pepsi were to be replaced by Coca-Cola, many fans might still believe Pepsi is the official soft drink or be confused as to which brand is the official soft drink, decreasing the value of Coca-Cola's sponsorship and the amount it would be willing to pay to the NFL.²⁰

The recommendations made in this Report and other outlets that have discussed changes to player health provide guidance on the types of issues for which business partners should exercise leverage.

Recommendation 19:1-C: NFL business partners should consider supporting organizations conducting due diligence into player health issues.

The Guiding Principles, generally speaking, instruct business enterprises to conduct due diligence into how their actions and business relationships affect others. If business partners are going to make fully informed decisions about their relationships with the NFL, it would be advisable that they consider research and data on NFL players and the issues they face. While the business partners themselves likely lack the capabilities or expertise to conduct research into player health issues, they have the resources to support organizations conducting such research.

Recommendation 19:1-D: NFL business partners should engage players concerning player health issues.

As discussed above, NFL business partners receive tremendous economic value from their association with, and from the work of, NFL players. In such situations, the Guiding Principles direct that the business enterprise should engage the stakeholders involved to understand the impact of the business enterprise's conduct on the health of the stakeholder. Such conversations have the possibility to improve relations between the stakeholder and business enterprise, the business enterprise's own business operations, and the health of the stakeholder. In this context, NFL business partners could hold conversations with current or former players to better understand them and the issues that matter to them. Additionally, through these conversations, the business partners could learn how they might adopt more consistent messaging concerning professional football, apply pressure on the NFL where appropriate, and what types of causes or organizations concerning football the business partners should support. Such conversations would establish a better dynamic between players and business partners and enhance the business partners' reputation for social responsibility.

^f FIFA again provides a useful example. In 2015, major sponsors Coca-Cola, Visa, and McDonald's demanded FIFA take actions to address allegations of corruption and criminal activity and requested a meeting to voice their concerns. Brian Homewood, *FIFA to meet sponsors after reproaches from Coke, Visa, McDonald's*, Reuters, (Jul. 24, 2015, 8:48 AM), <http://www.reuters.com/article/2015/07/24/us-soccer-fifa-sponsors-idUSKCN0PY1IC20150724>, archived at <http://perma.cc/VF4G-JHJ4>.

Endnotes

- 1 *Spons-o-Meter: NFL Lines Up 26 Partners To Start '13 Season*, Sports Bus. Daily (Sept. 13, 2013), <http://www.sportsbusinessdaily.com/Daily/Issues/2013/09/06/NFL-Season-Preview/Sponsometer.aspx>, archived at <http://perma.cc/U4S2-TLUJ>. For several years, Sports Business Daily published an annual list of the NFL's official sponsors. However, for unknown reasons, Sports Business Daily did not publish any such list in 2014 or 2015.
- 2 Matthew Futterman and Spencer Ante, *Verizon Pads NFL Deal*, Wall St. J., Jun. 4, 2013, <http://online.wsj.com/news/articles/SB10001424127887324563004578525060861520512>, archived at <http://perma.cc/53SG-7U4H>.
- 3 Michael David Smith, *Bud Light sponsorship will pay the NFL \$1.4 billion over six years*, ProFootballTalk (Nov. 4, 2015, 10:28 AM), <http://profootballtalk.nbcsports.com/2015/11/04/bud-light-sponsorship-will-pay-the-nfl-1-4-billion-over-six-years/>, archived at <http://perma.cc/6YVT-FKJY>.
- 4 Kristi Dosh, *Steep Price Paid by Nike Likely to Pay Off*, ESPN (Apr. 3, 2012), http://espn.go.com/blog/playbook/dollars/post/_id/554/steep-price-paid-by-nike-likely-to-pay-off, archived at <http://perma.cc/2MRR-UBHJ>.
- 5 Matthew Futterman, *NFL Back On Field, And Deals Pile Up*, Wall St. J., Sept. 6, 2011, <http://online.wsj.com/news/articles/SB10001424053111904900904576552773485086198>, archived at <http://perma.cc/6QXS-GP4K>. Gatorade, Frito-Lay, and Quaker are all brands owned by PepsiCo and are included in Pepsi's deal with the NFL, which runs through the 2022 season.
- 6 *NFL Sponsorship Revenue Totals \$1.07 Billion In 2013 Season*, IEG Sponsorship Report, Jan. 27, 2014, [http://www.sponsorship.com/IEGSR/2014/01/27/NFL-Sponsorship-Revenue-Totals-\\$1-07-Billion-In-20.aspx](http://www.sponsorship.com/IEGSR/2014/01/27/NFL-Sponsorship-Revenue-Totals-$1-07-Billion-In-20.aspx), archived at <http://perma.cc/SD88-HK2L>.
- 7 *See Spons-o-Meter: NFL Lines Up 26 Partners To Start '13 Season*, Sports Bus. Daily (Sept. 13, 2013), <http://www.sportsbusinessdaily.com/Daily/Issues/2013/09/06/NFL-Season-Preview/Sponsometer.aspx>, archived at <http://perma.cc/U4S2-TLUJ> (providing the bulk of the list's data); *New Deal Establishes Nike As League's Official Uniform Provider*, NFL (Oct. 12, 2010, 1:25 PM), <http://www.nfl.com/news/story/09000d5d81b4559b/article/new-deal-establishes-nike-as-leagues-official-uniform-provider>, archived at <http://perma.cc/R7PZ-393X> (discussing sponsorship agreement between Nike and NFL); *Nationwide Insurance Teams Up With The National Football League As An Official Sponsor*, Nationwide Ins. (Aug. 4, 2014), <http://www.nationwide.com/about-us/080414-nfl-announcement.jsp>, archived at <http://perma.cc/K74G-4WZV> (discussing sponsorship agreement between Nationwide and NFL); *Extreme Networks Named Official Wi-Fi Analytics Provider of National Football League*, Extreme Networks (Jan. 15, 2014), <http://investor.extremenetworks.com/releasedetail.cfm?releaseid=819515>, archived at <http://perma.cc/9LFY-ZSBD> (discussing sponsorship agreement between Extreme Networks and NFL).
- 8 Additionally, players routinely enter into sponsorship agreements with competitors of the NFL's business partners. *See* Cindy Boren, *Colin Kaepernick Sticks with Beats by Dre — With a Little Tape Over the Logo*, Wash. Post, Oct. 14, 2014, available at 2014 WLNR 28601543.
- 9 United Nations Office of the High Commission, *Guiding Principles on Business and Human Rights*, A/HRC/17/31 (Jun. 16, 2011) available at http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf?v=1392752313000/_jcr:system/jcr:versionstorage/12/52/13/125213a0-e4bc-4a15-bb96-9930bb8fb6a1/1.3/jcr:froznnode, archived at <https://perma.cc/U36F-S7YR?type=pdf> [hereinafter, "Guiding Principles"].
- 10 The NFL business partners that have stated their intention to comply with the Guiding Principles include, but are not limited to: Pepsi, *see PepsiCo Code of Conduct*, PepsiCo, <http://www.pepsico.com/Purpose/Talent-Sustainability/Human-Rights>, archived at <http://perma.cc/5YN4-WRPW?type=live> (last visited Aug. 7, 2015); *see Report of the Sustainability and Corporate Responsibility Committee of the Board of Directors of McDonald's Corporation*, McDonalds Corp., Jan. 9, 2014, <http://www.aboutmcdonalds.com/content/dam/AboutMcDonalds/Investors/Investor%202014/Human%20Rights.pdf>, archived at <https://perma.cc/QN4Y-XMBR?type=pdf> (last visited Aug. 7, 2015); *Corporate Citizenship*, Microsoft, <http://www.microsoft.com/about/corporatecitizenship/en-us/working-responsibly/principled-business-practices/human-rights/>, archived at <http://perma.cc/EVJ3-H2KK> (last visited Aug. 7, 2015); and P&G Corporate Newsroom *A Renewed Commitment to Respect Human Rights*, Procter & Gamble, (Apr. 21, 2014, 2:33 PM) <http://news.pg.com/blog/social-responsibility/renewed-commitment-respect-human-rights>, archived at <http://perma.cc/MN33-JNEF>.
- 11 Guiding Principles, *supra* note 9 at 14.
- 12 *Id.* at 17.
- 13 *Id.* at 19.
- 14 *Id.* at 22.
- 15 *Id.*
- 16 Laurie Kulikowski, *Will These 10 NFL Sponsors Quit Funding Football Over Domestic Violence?*, Street (Sept. 24, 2014, 2:04 PM), <http://www.thestreet.com/story/12885981/1/10-nfl-sponsors-upset-over-the-handling-of-domestic-abuse-scandals.html>, archived at <http://perma.cc/5P8L-9KFN> (discussing statements by ten NFL sponsors expressing disappointment, including Anheuser-Busch, General Motors, Verizon, USAA, McDonald's, Pepsi, Bose, FedEx, Marriott and Campbell Soup).
- 17 *See* Michael David Smith, *Anheuser-Busch Disappointed, Concerned, Dissatisfied With NFL*, ProFootballTalk (Sept. 16, 2014, 3:47 PM), <http://profootballtalk.nbcsports.com/2014/09/16/anheuser-busch-disappointed-concerned-dissatisfied-with-nfl/>, archived at <http://perma.cc/4G5C-6FFN>; Juliet Macur, *Time for N.F.L. Sponsors to Demand Change*, N.Y. Times, Feb. 14, 2014, <http://www.nytimes.com/2014/02/15/sports/football/time-for-nfl-sponsors-to-demand-change.html>, archived at <https://perma.cc/PC9J-5PMF?type=pdf>.
- 18 *See* Kulikowski, *supra* note 16 (Anheuser-Busch stating that the players' actions "so clearly go against our own company culture and moral code."; USAA stating: "USAA's founding values of service, loyalty, honesty and integrity will always govern how we ultimately move forward, and we've made this clear to the NFL."; PepsiCo CEO Indra Nooyi stating: "Given PepsiCo's long-standing partnership with the NFL, I know Roger Goodell. We have worked together for many years. I know him to be a man of integrity, and I am confident that he will do the right thing for the league in light of the serious issues it is facing.").
- 19 *See* The Clif Bar Team, *A Letter to the Climbing Community*, Clif Bar, <http://www.clifbar.com/text/a-letter-to-the-climbing-community> (last visited Aug. 14, 2015), archived at <http://perma.cc/NA9L-QSKN>; John Branch, *A Sponsor Steps Away From the Edge*, N.Y. Times, Nov. 14, 2014, <http://www.nytimes.com/2014/11/16/sports/clif-bar-drops-sponsorship-of-5-climbers-citing-risks-they-take.html>, archived at <https://perma.cc/7TFM-UK3V?type=pdf>.
- 20 SportsBusiness Journal, in conjunction with Turnkey Sports & Entertainment, conducts an annual poll measuring fans' ability to correctly identify a league's official sponsor in various categories as opposed to a competing brand. *See* David Broughton, *Awareness up across the board for sponsors*, Sports Bus. Daily (June 16, 2014), <http://www.sportsbusinessdaily.com/Journal/Issues/2014/06/16/Research-and-Ratings/NHL-Sponsor-Loyalty.aspx>, archived at <http://perma.cc/6VKS-DWX8>.