

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

POLICIES

ARTICLE	9	-	SAN DIEGO INTERNATIONAL AIRPORT
PART	9.1	-	ADVERTISING
SECTION	9.10	-	ADVERTISING

PURPOSE: To establish a policy for the sale of advertising space at the San Diego International Airport (the “**Airport**”) by the San Diego County Regional Airport Authority (the “**Authority**”). The Authority’s objectives in granting an advertising concession include optimizing concession revenues to the Authority and providing users of the Airport with an inviting environment that reflects state-of-the-art advertising concepts, utilizes space in a way that optimizes advertising effectiveness, and creates a favorable impression of San Diego. It is not the intention of the Authority to create or provide a public forum for unlimited public expression. Further, the Authority intends that its facilities constitute nonpublic forums that are subject to the reasonable, uniform, and viewpoint-neutral restrictions set forth below.

Therefore, in order to maximize revenues the Authority shall limit Airport advertising locations to the placement of advertisements for commercial transactions where such advertisements do no more than propose the sale, for profit, of goods and/or services, or to community promotion organizations that seek to increase tourism in San Diego County. The Authority has determined that:

- (a) such limitations will enable the Authority to maintain a position of neutrality and avoid the appearance of favoritism on political, social, religious and other controversial issues at the Airport, thereby preventing violent acts against the Airport, its tenants, and the traveling public that the Authority is concerned might occur if advertising were not limited to commercial and other approved content,
- (b) such limitations will prevent a reduction in the income earned from selling advertising space because commercial entities might be dissuaded from using the same forum commonly used by those wishing to communicate political, social, religious, or other controversial messages;
- (c) such limitations will assist the Authority in being as self-sustaining as possible, in accordance with FAA Grant Assurance 24;
- (d) such restrictions will maintain a safe and welcoming environment for the captive audience who is employed at and utilizes the Airport, including minors; and
- (e) such limitations will advance the goal of creating a positive first and last impression of San Diego among visitors, encouraging repeat visits.

POLICY STATEMENT:

- (1) Advertising contracts shall be negotiated for the purpose of increasing airport revenues.

- (2) The subject matter for all advertising materials displayed on Authority property shall be limited to speech which proposes a commercial transaction as its primary purpose. Acceptable advertising must promote for sale, lease, or other financial benefit a product, service, employment opportunity, event, or other property interest in primarily a commercial manner for primarily a commercial purpose. Advertising welcoming visitors to San Diego for an event is permitted so long as it otherwise complies with this Policy.
- (3) In the event the Authority's advertising concessionaire does not have a contract in place for the use of advertising space, then the advertising concessionaire may make the space available to Community Promotion Organizations if the content otherwise meets the requirements of this policy. A Community Promotion Organization means an organization which increases tourism in San Diego County such as local government agencies, local chambers of commerce, economic development councils, convention and visitor organizations, or similar entities sponsoring nationally recognized sporting events, for the purpose of welcoming people to or promoting the San Diego region.
- (4) The following types of advertising shall not be displayed or otherwise produced or published at the Airport:
 - (a) Advocacy. An advocacy advertisement is any advertisement that advocates a political, religious or controversial public position.
 - (b) Cigarettes, Tobacco, Marijuana, Electronic Cigarettes, or Controlled Substances. The advertisement promotes the sale or use of cigarettes, tobacco, marijuana, or electronic cigarettes, or depicts such products, or goods or services related to controlled substances as set forth in California Health and Safety Code § 11014.5.
 - (c) Betting or Gambling. Only advertising for gambling establishments, betting services, lotteries or contests that are in compliance with applicable federal, state and local regulations are acceptable. All other gambling establishments, betting services, lotteries, contests or gambling related advertisements, including but not limited to gambling tutorial web sites, may not be accepted.
 - (d) Weapons, Ammunition, or Fireworks.
 - (e) 900 and 976 Phone Numbers.
 - (f) "NC-17" Rated Movies.
 - (g) Obscenity, Pornography, Adult Entertainment or Services, or Adult Novelty Products. Any advertisement that is obscene, as set forth in California Penal Code § 311.
 - (h) Profanity and/or Fighting Words. Any advertisement that contains profane language and/or appearance or suggestion of profane language, or language that is of such slight social value that any benefit that may be derived from the language is clearly outweighed by the social interest in order and morality.

- (i) Harmful to Children. Any advertisement that contains harmful matter to minors as set forth in California Penal Code § 313, or a matter that could cause “child abuse” as set forth in California Welfare & Institutions Code § 18951.
- (j) Unlawful and/or Illegal Goods or Services. Any unlawful and/or illegal goods or services.
- (k) Unlawful Activity. Advertising that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.
- (l) Violence, Hatred, Bigotry or Intolerance. Advertising that depicts graphic violence or images of violence or gore (including body parts, dead or mutilated bodies or fetuses of humans or animals), or that promotes hatred, bigotry, or intolerance, or which is offensive to the moral standards of the community or contrary to prevailing standards of adults in the greater metropolitan area of the County and City of San Diego as to suitability for display to a captive audience that includes minors.
- (m) Result in Harm, Disruption or Interference to Airport. Advertising that contains speech or images that is so objectionable under contemporary community standards as to be reasonably foreseeable that it will result in harm to, disruption of, or interference with the Airport.
- (n) False, Deceptive, or Misleading. Advertising which is false, deceptive, or misleading in any way as set forth in California Business and Professions Code § 17200 or in violation of 18 U.S.C. § 35.
- (o) Illegal Advertising. Advertising which is illegal under applicable law, including and without limitation, false or defamatory advertising under the Lanham Act or other applicable laws, unfair competition laws, laws regulating copyrights, trademarks, and other forms of intellectual property.
- (p) Competition. Advertisements that are in direct competition with the Authority’s business objectives.
- (q) Endorsement. Advertising that implies or declares an endorsement by the Authority, without the prior written authorization of the Authority.
- (r) Threatening Words. Advertising that contains threatening words when applying contemporary community standards which common sense dictates should not be displayed inside an airport facility (e.g., killer, bomb, terrorist, hijack, etc.), or an advertisement that conveys any threat to do any act as set forth in 18 U.S.C. §§ 32, 37 or 844(e).

[Amended by Resolution No. 2022-0093 dated November 3, 2022.]

[Amended by Resolution No. 2015-0059 dated June 25, 2015]

[Adopted by Resolution No. 2002-02 dated September 20, 2002]