

(Not So) Happy Cows: An Autonomy-Based Argument for Regulating Animal Industry Misleading Commercial Speech

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ABSTRACT *'Happy cow messages' are instances of commercial speech by the animal industry which, by action or by omission, mislead consumers about the harmful effects that the industry has for non-human animals, the environment, or human health. Despite their ubiquity, happy cow messages have received little philosophical scrutiny. This article aims to call attention to this form of speech, and to make the case for its restriction. To do so we first conceptualize happy cow messages. Second, we argue that they encroach upon individual autonomy in two particularly objectionable ways: by impairing our ability to behave according to our moral convictions, and by thwarting our capacity to identify and reason about our moral duties. This, we hold, grounds a pro tanto case for stricter and more comprehensive regulation of commercial speech by the animal industry. Third, and against the objection that restricting happy cow messages would violate freedom of speech, we contend that none of the most influential arguments for free speech grants them protection. Indeed, we suggest, those rationales seem to call for their restriction. Fourth, and finally, we review some possible ways to defuse the misleading potential of happy cow messages through commercial speech regulations.*

1. Introduction

Hate speech and fake news have sparked much academic interest recently, with a growing number of philosophers arguing that, when sufficiently dangerous and untruthful, these kinds of speech might be restricted.¹ Surprisingly, another form of speech, both dangerous and untruthful, has attracted much less attention.² This is remarkable, since this kind of speech – which we call *'happy cow messages'* – is ubiquitous. Happy cow messages are a kind of commercial speech which deceives consumers about the harmful impact the animal industry has upon non-human animals (henceforth just *animals*), the environment, or humans themselves. By misleading consumers about these facts, happy cow messages prevent people from making autonomous market choices, often leading them toward consumption patterns at odds with their own reported moral beliefs. In this article, we conceptualize happy cow messages, analyse why they are objectionable, and make the case for more robust restriction.

Certainly, most legal systems include provisions forbidding the misrepresentation of products' relevant characteristics in ways that may affect consumers' purchasing decisions.³ Indeed, some argue that the existing regulations enable legal action seeking more honest advertising and packaging of animal-based products.⁴ This strategy, however, is severely limited, both due to the insufficient enforcement of the existing legislation, and to its legal loopholes. In the US, for instance, labels such as *'ethically raised'* or *'humanely raised'* lack legal definitions. Although companies are required to justify their use, absent

clear definitions, the standards are highly permissive and loosely applied.⁵ Hence, in practice basically any producer can use ‘green’ or ‘ethical’ labels.⁶

To illustrate these limitations, consider the recent *Ehlers v. Ben & Jerry’s* case. Plaintiff James Ehlers alleged that the company misled consumers by presenting an ice-cream as made with ‘milk and cream from happy cows’ while, in fact, and quite contrary to what the message suggested, *most* of the milk and cream came from mass-production factories following no special ethical standard. The court, however, ruled in favor of Ben & Jerry’s, arguing that the company never claimed to use *only* milk and cream from ‘happy cows’, and that the message should be interpreted contextually (considering factors such as the company’s website).⁷ Another recent example is the launch of a USDA-approved ‘climate-friendly’ beef burger by Schweid & Sons and Tyson Foods in August 2023. That certification is granted for beef-based products with an expected 10% reduction in greenhouse gas emissions. However, as some have noted, the greenhouse gas emissions of ‘climate-friendly’ beef products would remain higher than those of almost *any other food*. Those burgers are thus not climate-friendly in any straightforward way, and the certification is misleading because it implicitly assumes a baseline higher than the average amount of emissions for US beef.⁸ A final illustrative example is reported by writer George Monbiot, who distractedly read a tale of happy cows to his three-year-old, only to find he had been reading a newspaper’s extended advertisement for Kerrygold butter.⁹

Similar legally permitted forms of misleading speech – mostly conducted through packaging, branding, and advertising – are pervasive in our societies.¹⁰ This is worrisome, as most consumers would prefer not to make choices that inflict unnecessary harm on animals,¹¹ destroy the environment,¹² or threaten human health.¹³ Yet that is exactly what they regularly do by purchasing industrial animal products.

Of course, this is sometimes (at least partly) the consumer’s fault – for instance, when they are *willfully* ignorant about the industry,¹⁴ or when they rationalize their choices to make them cohere with their values.¹⁵ Nevertheless, when consumers receive reliable information about the impacts of different products, they usually prefer the more ethical and sustainable options, even if they are more expensive.¹⁶ Thus, it makes sense to suspect that commercial speech often contributes to sustaining consumption patterns unaligned with consumers’ own values, by keeping them ignorant about the industry, or by nudging them towards choices they would otherwise avoid. Our main claim, then, is that happy cow messages thwart consumers’ autonomy, and that they do it in a way that justifies their restriction.

The article proceeds as follows. Section 2 conceptualizes happy cow messages as instances of commercial speech likely to mislead consumers about the negative consequences of the animal industry. Section 3 explains that happy cow messages thwart autonomy in two particularly problematic ways – namely, by making it harder to act according to our own preferences, and by hampering our reasoning about our moral duties. This, we hold, prompts a *pro tanto* case for restricting happy cow messages. As such, of course, it might be defeated. Nevertheless, Section 4 argues that what is probably the most readily available countervailing consideration (i.e. freedom of speech) will not let happy cow messages off the hook, as the main rationales for freedom of speech seem unable to justify protecting happy cow messages. Rather, they warrant stronger and more comprehensive regulations of commercial speech that defuse happy cow messages’ misleading potential. Section 5 tentatively reviews some strategies to do this, thus suggesting how consumers may be legally protected against happy cow messages.

Before starting, let us add three caveats. First, in this article we pursue a rather minimal aspiration: protecting consumers from a particular kind of commercial speech which *impairs their capacity to reason about the moral appropriateness of market choices*. The main normative benchmark is thus individual autonomy. We therefore do not defend the restriction of commercial speech in general, nor of all of the animal industry's commercial speech *as such*. Similarly, we do not argue that people should never purchase industrial animal products, nor do we appeal to animal rights – not because we believe that these are secondary considerations, but because we want to make a case that appeals even to avid and morally untroubled meat-eaters.

Second, note that the problem discussed here is plausibly an instance of a broader phenomenon, as one could identify other forms of commercial speech that thwart autonomy in similar ways to happy cow messages. Consider, for instance, an advertisement for sweatshop-produced products that obscures the specific harms associated with these products. We believe, however, that it is useful to focus on one specific case, for at least two reasons: first, because, although pervasive, animal industry misleading advertisement remains underexplored; and second, but crucially, because even if analogous in some respects, different cases might also differ in other significant (empirical and normative) respects. Thus, even though many of our main claims might be extended to other cases, such an enterprise would require a more thorough examination than we can offer here. Throughout the article, though, we will suggest some plausible candidates for extension, to illustrate the account's potential – yet, for the reasons just stated, we shall assume those extensions are warranted.

Third, legal scholars have carefully discussed the relationship between commercial speech and freedom of speech.¹⁷ Although these contributions are undoubtedly important, and we often draw from them, they differ from ours in at least two respects. First, ours is mainly an exercise in moral and political philosophy, and as such it is not so constrained by the vicissitudes of existing laws. Second, legal scholars usually assume that, from a legal standpoint, free speech protections do not apply to *misleading* commercial speech – as explicitly assumed, for instance, by the so-called Central Hudson Test applied by US courts. In this article, though, we focus precisely on instances of commercial speech that are arguably misleading, and inspect the *moral* complaints that an insufficient regulation, or a potentially over-permissive threshold of misleadingness, can elicit.¹⁸

2. Happy Cow Messages

By 'happy cow messages' we refer to commercial speech that is misleading about the harmful effects of the animal industry. Note that we use this label as shorthand for a type of commercial speech which involves not only cows but animals more generally, and which conveys misleading messages not only about these animals' welfare, but also about human health and the environment. We employ this term, then, to represent a wider phenomenon through which industrial animal products are deceitfully associated with an animal-friendly production model, which is also commonly respectful to the environment and human health. To avoid any potential confusion, we now offer a more thorough characterization.

First, happy cow messages are instances of *commercial speech*, as their main aim is to convince potential customers to buy products (specifically, animal-based products). As such, happy cow messages can be distinguished, for instance, from political speech or artistic

forms of expression, whose main aims are different (respectively, fostering public deliberation and realizing aesthetic values).

Second, the speaker of these contents is a member of the animal industry in a wide sense, including not only animal agriculture, but also companies using animal products created through industrial methods – such as research institutes – or selling industrial animal-based products – such as restaurants, supermarkets, or clothing shops. Although, for the sake of ease, we focus here on food products, our arguments would equally apply, then, to other industrial animal products, such as animal-tested cosmetics.

Third, happy cow messages are *misleading* because they facilitate the formation of mistaken or unjustified beliefs about relevant features of the advertised product. They need not be lies, though, as one might be misled, for instance, by true statements or simply by the omission of the relevant true statements.¹⁹ Indeed, in many cases, it is what happy cow messages *convey*, rather than what they literally *say*, that is untrue. Besides, happy cow messages can be *unintentionally* misleading, perhaps as a result of a misunderstanding,²⁰ or because the speakers are sincere and have no intention to deceive.

Fourth, and finally, happy cow messages can mislead about three issues: animal suffering, environmental degradation, or risks to human health.

Animal suffering is probably the most commonly concealed feature of animal-based products. This concealment can occur by presenting a romanticized image of the used animals' living conditions, depicting them as happy, healthy, clean, and free creatures, or by decontextualizing animal products from their production processes – e.g. omitting references to the slaughtering process, or presenting animal products as anything but parts and pieces of dead animals.²¹ When animal-based products are so advertised and packaged, the animal industry misleads consumers, making it easy for them to wrongly discount the suffering animals endure.

This, however, is mistaken. Animals in the industrial food system suffer numerous harms before even reaching the slaughterhouse, including confinement and immobilization, forced impregnation and separation from offspring, castration, beak trimming, tail docking, and dehorning. These conditions induce high levels of stress, prompting self-harming behaviors such as feather-pecking or even cannibalism.²² Though brutal, these practices are legal in most countries. Moreover, as animal activists regularly denounce, even harsher *illegal* mistreatment often takes place with impunity, for factories operate under a 'veil of secrecy' that shields them from public scrutiny.²³

Happy cow messages also mislead consumers about the environmental effects of the animal industry, by presenting animal-based products in a way that makes it easy for consumers to believe these products are environmentally friendly. Typically, this occurs by simply omitting the environmental costs behind the advertised products, or, more actively, through greenwashing campaigns that make people believe industry animal products are sustainable – recall, for instance, the 'climate-friendly' beef burger abovementioned.²⁴

They are not, though. There is ample empirical evidence documenting the severe environmental impacts of industrial animal farming. The animal agriculture industry uses huge amounts of water, land, and energy, polluting in turn both soil and water. Besides, the industry is an important emitter of greenhouse gasses, thus playing – as admitted by the Food and Agriculture Organization – 'an important role in climate change'.²⁵ Indeed, it is estimated that the end of animal agriculture 'would have the same effect, through the end of the century, as a 68% reduction of CO₂ emissions'.²⁶ Happy cow messages hide the

connection between the animal-based products we find in the market and the environmental problems to which their production contributes.

Finally, happy cow messages may misrepresent or conceal the risks animal-based products pose to human health. These risks are often associated with the nutritional values of the products themselves, as when they contain high amounts of saturated fats, salt, or added sugar. Note that unbalanced diets contribute to obesity, cardiovascular diseases, and premature deaths, representing today one of the heaviest burdens on public health – sometimes even heavier than tobacco's.²⁷ Relatedly, several studies have found 'sufficient' evidence that eating processed meat can cause colorectal cancer and 'limited' evidence of a positive association between eating red meat and this kind of cancer.²⁸ Additional risks to human health arise due to the large amount of waste produced in factories, which release substances that are potentially hazardous for both humans and animals living nearby.²⁹ Moreover, confined animals are administered high amounts of antibiotics to protect them from infections, increasing in turn antimicrobial resistance of pathogens which are harmful (sometimes potentially deadly) for humans too.³⁰ Finally, intensive animal agriculture increases zoonotic disease risks – i.e. diseases transmitted from animals to humans – such as SARS-CoV-2 (Covid) or H5N1 ('bird flu').³¹

Happy cow messages blur the nature and severity of these risks when they do not declare or contextualize the nutritional values of the food, or fail to warn consumers about the health issues linked to the consumption of certain animal products. Similar concerns seemed to motivate the restriction of old tobacco advertisements and packaging, whose failure to mention smoking-induced health problems constituted another kind of harmful, misleading commercial speech.

3. Stricter Regulation: An Autonomy-Based Defense

That happy cow messages are misleading does not imply that they are objectionable, for misleading speech (even lying) is sometimes acceptable.³² In this section, we argue that happy cow messages are objectionable because they unacceptably thwart consumers' autonomy.

Arguably, commercial speech nearly always impinges *to some extent* upon our autonomy. After all, its main function is nudging us towards buying something, circumventing rational decision-making if necessary. Hence, some hold that persuasive advertisement is always objectionable, for it frustrates a second-order desire not to be manipulated.³³ That is, surely, a controversial view. But even if true, we may still distinguish between more or less objectionable instances of persuasive advertisement. Intuitively, there seems to be a difference between the kind of complaint potentially elicited by, say, an advertisement for a perfume portraying Julia Roberts enjoying a luxurious cruise on the Seine River, and that promoted by an advertisement for clothes produced in a Bangladeshi sweatshop which depicts happy women sewing in their comfortable living rooms.

Happy cow messages mislead consumers in a way akin to this last example, and are objectionable on similar grounds. Unlike the *mere* persuasive advertisement with Julia Roberts, these two instances of commercial speech are especially problematic on autonomy grounds, for two reasons. First, they make it harder for individuals to act on the basis of moral considerations that they are typically concerned with (e.g. human rights or animal welfare). Thus, they thwart consumers' capacity to lead a life coherent with their own values – what Enoch calls 'autonomy as non-alienation'.³⁴ Second, they make it

harder for moral agents to think straight about their moral duties. In so doing, they thwart their capacity for moral reasoning, which is a crucial aspect of autonomous agency.³⁵ In what follows, we analyse these two features.

The first problematic feature of happy cow messages is that they are likely to increase the so-called *value-action gap*, that is, an inconsistency between our moral concerns and our behavior.³⁶ In this case, the gap arises between concerns with animal welfare, human health, and the environment – which individuals regularly report – and the consumption of industrial animal products – whose production is, as seen, detrimental for animals, human health, and the environment. In doing so, happy cow messages mislead consumers toward decisions at odds with their own, self-reported values.

Unquestionably, consumers often evade meat-related cognitive dissonance by actively avoiding its triggers, such as the presence of vegetarians, or by rationalizing their behavior – for instance, by blaming the industry or diminishing their individual responsibility.³⁷ Despite this, consumers' value-action gap can be externally promoted, and, quite plausibly, happy cow messages do just this, in at least two ways.

First, by *obscuring* important information, happy cow messages make it hard for consumers to detect plausible gaps between their values and behavior, thus precluding cognitive dissonance. Consumers often ignore many of the impacts of the animal industry,³⁸ and rarely have time to scrutinize the production processes of the goods they purchase. Happy cow messages not only fail to correct this ignorance; inasmuch busy consumers rely on advertisements and packaging as informational shortcuts, they can amplify it even further.

Additionally, happy cow messages sustain the value-action gap by providing consumers with ready-made rationalizations that help them reduce the costs of acting against their own values. Typically, happy cow messages do this by offering inaccurate or partial information, or by using misleading images and logos that encourage perception of the consumption of industrial animal products as compatible with caring for animals, the environment, and our health. For instance, when a carton of milk (whose production followed no specific ethical or environmental standard) portrays happy cows pasturing on a hill, consumers can more easily disconnect the action of buying that carton from their moral concerns about animal welfare and the environment, just as it would be easier to disconnect their concerns about human rights from the action of buying clothes produced in a sweatshop if those clothes were advertised with images of happy knitting women.³⁹

That happy cow messages sustain the action-value gap is important, normatively speaking, not merely because that frustrates a second-order desire not to be manipulated, but also because by maintaining a schism between our moral concerns and our actions, they thwart our ability to live according to our values and commitments. This reveals a crucial difference between happy cow messages and Julia Roberts's boat trip on the Seine. While the latter might lead us to buy something we did not plan to buy, it does not typically nudge us toward living in stark contradiction with our own values, as happy cow messages do.

The second problematic feature of happy cow messages is that they *hinder* our ability to identify and comply with our moral obligations. In particular, happy cow messages hinder our ability to discern and comply with duties to make or avoid certain market choices. Let us explain this a bit more.

It is widely assumed that we have a general moral duty to refrain from contributing to avoidable and unjustified harms. Plausibly, this entails that contributing to harming sentient beings, human or not, is *prima facie* objectionable: absent a compelling justification, we should not bring about harm, either directly or indirectly. As seen above, and even

though we may disagree about the details, the animal industry arguably causes a non-negligible amount of unjustified harm to animals,⁴⁰ the environment, and other humans. Thus, we have a *prima facie* obligation to abstain from contributing to these harms.

This does not necessarily imply, however, that consumers have a duty to abstain from consuming any industrial animal product. Between a general, *prima facie* obligation to refrain from contributing to unjustified harm, and an *all-things-considered*, particular obligation not to consume any animal product, there is a gap that is not always easy to bridge.⁴¹ For low-income consumers, for example, adopting a nutritionally appropriate plant-based diet might be economically prohibitive. Under such circumstances, the general duty not to bring about harm might not translate into a general duty to not consume animal industry products.⁴² More controversially, some authors have argued that, given how the animal industry works, individuals do not typically have a duty to abstain from consuming animal industry products – as their individual consumption choices are extremely unlikely to influence production patterns, even marginally.⁴³

All this suggests that whether a consumer has a specific obligation not to buy industrial animal-based products depends on many factors. Consumers' material circumstances may render harmless choices unaffordable. Contrarily, having influence on the industry, benefiting from the harm, or having voluntarily adopted a particular role as an activist, may strengthen the duty to abstain.⁴⁴ Simultaneously, consuming animal products permissibly becomes harder as the suffering involved in production increases.

We do not here seek to adjudicate between these factors. What matters is that, by obfuscating the facts on the ground, happy cow messages obstruct our ability to think through these morally relevant factors. Since being able to think through one's moral obligations is part and parcel of what autonomy means, happy cow messages make the exercise of autonomy substantially more cumbersome – perhaps sometimes even completely impossible. Hence, happy cow messages limit our capacity to act as autonomous agents, that is, as individuals able to suitably identify, and fulfill, their moral obligations.

Three issues are worth flagging before moving on. First, our argument does not assume that only harmless choices are autonomous. As noted, autonomous agents might realize that their circumstances render the obligation not to harm inapplicable. Moreover, our argument does not assume that only morally acceptable decisions are autonomous. If a consumer engages in moral reasoning and reaches a wrong conclusion, or if she reaches the right conclusion but fails to act accordingly, we might still consider her decision autonomous. Here the argument clearly departs from the previous one, which focused on *consistency* between our behavior and our moral beliefs. In that case, the worry was that happy cow messages prevent consumers from acting pursuant to their moral beliefs. Here, in contrast, we focus on our *ability to identify our actual moral duties*, so that we can act accordingly (even if we do not). The main worry, then, is that happy cow messages impede consumers from reasoning under epistemically favorable conditions about their moral obligations in contexts in which obligations of the sort are likely to arise.

Second, some may worry that our argument overextends. Everyone could claim regulations facilitating their moral reasoning by appealing to *any* general duty, no matter its nature or source. For instance, religious believers bound by religiously grounded obligations to abstain from certain products (e.g. non-kosher ones) may demand that commercial speech always clarify whether products comply with their religious standards, so they can autonomously reason whether they can permissibly consume them. Other consumers might demand similar restrictions by appealing to their particular moral commitments. If our argument

validated all these claims, it would warrant unlimited restrictions: the interest in being able to reason about *any* putative moral duty would always justify speech regulations.

As acknowledged above, our argument can indeed apply to other cases – perhaps, *in some cases*, it might even justify requiring explicit labeling of non-kosher products. However, its scope can still be limited in several ways. One might, for instance, restrict the kind of duties one can appeal to – to *valid moral obligations*, for instance, or, less restrictively, to *publicly justifiable duties*. Simultaneously, one might appeal to how pervasive misinformation is – note that commercial speech does not typically mislead consumers about products' kosher credentials. Alternatively, one may focus on how much autonomy is infringed, by setting a threshold – as is usually done, for instance, with the harm principle, which does not imply that the government can restrict *any* action that produces *any* amount of harm. We remain noncommittal about the best way to restrict the range of acceptable cases, but it seems clear that our argument is not inevitably over-inclusive.⁴⁵

Third, note that our arguments are not paternalistic. Typically, paternalistic interventions aim at discouraging people from harming themselves, regardless of their preferences. However, as noted earlier, our arguments are not motivated by concerns about the impact of people's consumption choices upon themselves, but by the worry that misleading advertisements can bias autonomous decision-making. Thus, we defend regulations that grant adequate opportunities for making informed, autonomous choices, not that *morally* objectionable purchases should be *legally* sanctioned.

Someone might reply that, when regulations require animal industries to disclose the relevant impacts of their products, consumers are paternalistically forced to confront this information, *even if they do not want to*.⁴⁶ Although important, such a problem does not really affect our arguments. Consumers might enjoy *the opportunity* to acquire the relevant information needed to make well-informed market choices, as we advocate, while preserving their liberty to ignore unwanted information *if they want to*. Regulations might, for instance, discourage misleading content without compelling the provision of any information. Alternatively, compelled information might be offered discreetly – like nutritional food values, which typically appear on the back of packaging. Importantly, though, here we concentrate on *justifying* regulations for happy cow messages, without committing to any specific regulation. As explained in Section 5, we leave open the question about which regulations are preferable, which should be addressed later by considering concerns like those flagged here.

4. Free Speech Considerations

The above considerations support a *pro tanto* case for strengthening the regulation of the animal industry's commercial speech. As a *pro tanto* case, however, it is defeasible. Indeed, someone might object that our view is unacceptable on free speech grounds. In this section we inspect the three most popular rationales for freedom of speech – i.e. democracy, autonomy, and truth – and argue that they fail to justify protecting happy cow messages. Indeed, we argue, they strengthen our case.⁴⁷

4.1. Democracy

The democratic rationale, which states that freedom of speech is essential for a well-functioning democracy, comes in two varieties. For some authors, free speech is a 'safety

valve⁴⁸ that facilitates the peaceful management of dissent, as it allows minorities to freely express their opinions, thus offering them incentives to refrain from resorting to violence.⁴⁹ For others, free speech enables citizens to be well informed about public issues, and make competent and autonomous political decisions – for otherwise, the argument goes, how could they know who to vote for, whether a politician is corrupt, or whether to mobilize?⁵⁰

Although the democratic rationale gives us compelling reasons to protect free speech, it cannot save happy cow messages. Briefly put, the above arguments only apply to *political speech* – i.e. contributions to public deliberation about common issues.⁵¹ Now, though the line between political and nonpolitical speech is blurry, happy cow messages constitute a paradigmatic case of the latter. As instances of commercial speech, they seek to convince potential consumers to buy a product, and do not aim at contributing to any deliberation about public issues (if that happens, it will be purely accidental).

Here, one may object that the ‘safety valve’ argument does indeed protect happy cow messages: by allowing the animal industry to freely express their views, one may contend, we are facilitating peaceful dissent. This objection, though, rests on a confusion. The democratic rationale, to be sure, entails that the animal industry is entitled to defend its interests in the public sphere. What it does not entail, however, is that it should be able to do so *via commercial speech*. For the democratic rationale to protect happy cow messages, its defenders must make this further move. In the light of what we have said so far, though, such a move is unwarranted.

If we focus on the second kind of democratic arguments – those emphasizing the importance of citizens being well informed – the case for protecting happy cow messages becomes even weaker. For, as we saw above, happy cow messages do not inform citizens; rather, they misinform them about the negative consequences of the animal industry. If anything, this variant of the democratic rationale would justify a right of *citizens* to be informed about the *actual* costs and implications of animal-based products, not a right of the industry to mislead citizens.⁵²

4.2. *Autonomy*

A second rationale for freedom of speech is autonomy. Despite their differences,⁵³ all autonomy-based arguments share the intuition that, without being able to express themselves freely, individuals cannot develop their personality or make autonomous individual choices. In Rawlsian terms, we could say that free speech is a necessary condition for acquiring, revising, and pursuing one’s conception of the good. This rationale provides an appealing defense of free speech, by tying it to values such as personal development and flourishing. And yet, again, it cannot justify protecting happy cow messages.

The reason is that restricting, or even prohibiting, happy cow messages would not necessarily encroach upon people’s autonomy, as it would not prevent anyone from acquiring, revising, or pursuing a conception of the good life. Animal industry advocates, farmers, sellers, and consumers would remain free to reflect on how they want to live their lives, including whether they want to cooperate with the animal industry. This is so because, as noted above, regulating the animal industry’s commercial speech does not preempt discussing (or even advocating for) the animal industry. What we oppose, then, is not people’s autonomy, but a kind of speech that thwarts it.

An objector might here reply that our proposal would severely hinder the capacity of some (e.g. animal industry businesspeople) to freely engage in business and pursue a business-related conception of the good life in which commercial activities play an important role, and would thus be objectionable on an autonomy basis. It is not obvious, to begin with, that restricting certain kinds of commercial speech thwarts a speaker's autonomy, for, as Shiffrin notes, sellers are not primarily seeking 'to express themselves as human beings or ... contribute to an understanding of the world'. Rather, their speech is 'largely driven and limited by the expected benefit ... in terms of sales'.⁵⁴

But, even if it did thwart the speakers' autonomy, it should be noted that theirs are not the only relevant autonomy-based interests. As Scanlon famously argued, free speech protects not only the interests of speakers, but also those of *audiences* – to whom the speech is addressed – and of *third parties* – who might be indirectly affected by speech despite not being its intended addressees.⁵⁵ The above argument narrowly focuses exclusively on the autonomy of would-be speakers (i.e. the animal industry), disregarding the autonomy of would-be audiences (i.e. consumers) and bystanders (such as fellow citizens, or society at large). As noted above, however, happy cow messages arguably thwart the autonomy of audiences, whereas their regulation (as instances of commercial speech) does not prevent animal industry advocates from freely expressing their views in the public sphere. Thus, when factoring in all the relevant interests, that of audiences in being able to make autonomous market choices seems to outweigh those of the animal industry's speakers in forming, revising, and pursuing a business-friendly conception of the good life, which would remain protected anyways.

4.3. Truth

Truth offers a third rationale for freedom of speech. In a nutshell, the argument holds that, when ideas are left free to compete in the *marketplace of ideas*, true beliefs will become more popular, eventually vanquishing wrong or incorrect ideas.⁵⁶ For this to work, though, any content, even if wrong or misleading, should be *prima facie* protected. Or so the argument assumes.

This argument might be used to defend happy cow messages. After all, someone might claim, what matters for the truth-based rationale is not whether the speech is truthful, but whether it can be freely criticized in the marketplace of ideas. We believe this argument fails, as the so-called marketplace of ideas only yields its epistemic benefits (i.e. truth) under certain conditions,⁵⁷ two of which are absent in the communication of happy cow messages.

First, the truth-based rationale assumes *bona fide* competition among ideas, with participants engaging in an *ongoing reasoned debate* through which ideas are criticized, revised, and – if needed – replaced. Commercial speech, however, is mostly unidirectional or, as Shiffrin puts it, essentially 'non-conversational': it does not 'invite a dialogue in which the consumer may clarify exactly what was meant and what evidence the speaker relies upon for his claims'.⁵⁸ Certainly, consumers could try to engage in a reasoned debate about happy cow messages with, say, a fast-food restaurant manager, but there is no guarantee that they will be responsive. Nor do they have any strong incentive to be so. This leads us to the second missing assumption.

Second, the truth-based rationale also assumes that participants are *honest truth-seekers* – i.e. that discussants are keen to accept the views proven to be more accurate, to discard

their beliefs if debunked, and to act accordingly to the results of deliberation. In real life, though, people do not always prioritize truth. Quite often, other interests prevail. The animal industry, *qua* economic agent, is chiefly concerned with *profit-making* – with truth-seeking playing, at best, a secondary role. Otherwise, they would not hide their factories from the public, nor lobby for ‘ag-gag’ laws that criminalize those who document what happens inside those factories.⁵⁹ The animal industry, then, not only lacks a strong interest in the honest pursuit of truth, but often has an interest in its concealment.

The truth-based rationale cannot justify spreading happy cow messages, then, because happy cow messages are not communicated in a context to which that rationale applies. If anything, a concern with truth might justify quite the opposite, i.e. defending consumers’ interest in knowing the truth about the animal industry by protecting them from happy cow messages. As noted, commercial speech is asymmetrical, with sellers having the power to (almost) unilaterally present their messages to consumers. Unless the power of sellers is limited through regulations, they may easily impose a distorted view of their products. In the next section, we address how this situation might be rebalanced.

5. Plausible Regulations

So far, we have argued that protecting consumers’ autonomy may require restricting happy cow messages, and that free speech grounds cannot vindicate this kind of content. This, we concede, is a *pro tanto* argument. We believe, however, that it is strong enough to start considering the further issue of how happy cow messages might be *legally* regulated.

In this section, we inspect some ways to strengthen the regulation of happy cow messages. Here, importantly, we do not defend any specific proposal, as that would require a great deal of careful, context-dependent, empirical scrutiny, including specific, highly complex normative trade-offs. This task is best left to lawyers, political scientists, and lay citizens, among others. Our goal here, then, is to illustrate the importance of this task, and lay some of the groundwork.

Broadly speaking, *legal* regulations might protect consumers from happy cow messages by creating *negative* legal obligations for the industry *not* to mislead consumers about relevant facts about its products, or, more ambitiously, by creating *positive* legal obligations compelling the industry to disclose relevant information.⁶⁰ Considering these two general lines of action, we can envisage various strategies to regulate happy cow messages, some more stringent than others.

The harshest strategy is banning happy cow messages altogether. Regulations of this kind are likely to be controversial, because the constitutional validity of content-based regulations is more easily challenged than that of content-neutral regulations. Hence, the viability of these regulations might be limited in some countries. Moreover, there will often be reasonable disagreement about whether a particular instance of commercial speech counts as a happy cow message. In such cases, rather than suppressing speech, it might be better for authorities to opt for regulations which defuse its misleading potential – for instance, by requiring companies to include explicit disclaimers clarifying that the content does not represent the nature of the product.

Less stringently, happy cow messages might be banned only in certain contexts where audiences are presumably more easily misled. Think, for instance, of children, who are generally more naive than adults. Protecting them from happy cow messages might

require restricting this kind of commercial speech in areas surrounding schools or in certain media content for which children are the main audience (e.g. cartoons). Being based on time, place, and manner, these regulations might find less opposition than the former.

A third option would be banning the use of fictional pictures or cartoons that misrepresent the truth about the animal industry. Instead, or additionally, companies might be required to display *real* images in their advertising and packaging, disclosing how their products are made and what consequences they have. If so, for instance, consumers at the supermarket's cheese section would not see a laughing cartoon cow, which is the logo on Laughing Cow products, but also (or instead) images of the real cows used to produce that cheese.

Fourth, the animal industry might be required to clearly and explicitly explicate relevant aspects of its products, its production processes, or its impact. Thus, for instance, companies might be required to reveal the nutritional value of food in a clear way to make the informational process easier for consumers. Similarly, the animal industry might be required to explicitly disclose, say, the living conditions of animals, their rate of premature death due to overcrowding, or the product's environmental costs. Along these lines, for instance, the German Ministry of Agriculture will require all animal products to include information about the conditions under which animals have been reared.⁶¹

Finally, a fifth strategy is requiring the industry to offer fact-based comparisons of its products *vis-à-vis* their non-industrial alternatives. For instance, when an animal-based hamburger is promoted, the company could be obligated to inform about *vegan* or *eco-friendly* hamburgers of similar nutritional value, and to compare the environmental costs (or the risks to human health, or the animal suffering) of each one. This kind of regulation would allow consumers to grasp the disparate implications of goods with similar use value.

Of course, these strategies do not exhaust all the possibilities. As already stated, our main purpose throughout this article has been to argue that happy cow messages should be regulated. The previous suggestions are just some plausible, often compatible, strategies to do so, all of them briefly sketched. It remains to be seen whether, and, if so, how, when, and where, they might legitimately be implemented.

6. Conclusion

We have conceptualized happy cow messages as those instances of the animal industry's commercial speech which can predictably mislead consumers about its products' negative consequences. Happy cow messages, we have argued, thwart consumers' autonomy in two particularly problematic ways: by sustaining a value-action gap that fosters market choices at odds with consumers' reported concerns for animal welfare, the environment, and human health, and by hampering consumers' ability to reason about their moral duties in the market. These hindrances to consumers' autonomy, we hold, ground the case for more comprehensive commercial speech regulation.

Could free speech considerations ground a moral right to spread happy cow messages? When carefully inspected, we have argued, the concerns about democracy, autonomy, and truth that justify free speech protections fail to grant protection to happy cow messages. Indeed, they seem to call for stronger regulations to protect consumers' autonomy. Considering this, we have tentatively explored some ways in which commercial speech by the animal industry might be regulated to defuse the misleading potential of happy cow messages.

As we pointed out earlier, ours is a *pro tanto* argument. What we should do, all things considered, will depend on whether our opponents can propose a compelling defeater. The burden of proof, we conclude, now falls upon them.

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NOTES

- 1 Howard, "Free Speech"; Howard, "Dangerous Speech"; Mathiesen, "Fake News"; Brown, "Regulating."
- 2 For an exception, see Almirón, *Public Relations*.
- 3 See e.g. Shiffrin, "Deceptive Advertising," 473–82.
- 4 See e.g. Dillard, "False Advertising," 25–84.
- 5 *Ibid.*, 52.
- 6 Scott-Reid, "Humanewashing."
- 7 French, "Judge Dismisses."
- 8 Ataman, "Schweid & Sons"; Reynolds, "Low-Carbon Beef."
- 9 Monbiot, "Fairytale." We are thankful to an anonymous reviewer for the reference.
- 10 For more examples, see e.g. Borkfelt *et al.*, "Closer to Nature."
- 11 Alonso *et al.*, "Consumers' Concerns."
- 12 Trudel, "Sustainable Consumer."
- 13 Gregory, "Consumer Concerns."
- 14 E.g. Norwood and Lusk, *Compassion*, 237; Bell *et al.*, "Consumers"; Fiber-Ostrow and Lovell, "Veil of Secrecy," 237.
- 15 Rothgerber, "Meat-Related."
- 16 Miranda-de la Lama *et al.*, "Consumer Attitudes"; Pinto da Rosa *et al.*, "Impact"; Alonso *et al.*, "Consumers' Concerns," 6; Toma *et al.*, "Consumers."
- 17 See e.g. Baker, "First Amendment."
- 18 We thank an anonymous reviewer for pressing us to clarify this.
- 19 Carson, "Lying."
- 20 *Ibid.*
- 21 Grauerholz, "Cute Enough"; Kunst and Hohle, "Meat Eaters."
- 22 For a review of contemporary animal farming practices, see Schlottman and Sebo, *Food*, 111–2; Fiber-Ostrow and Lovell, "Veil of Secrecy," 234–6.
- 23 Fiber-Ostrow and Lovell, "Veil of Secrecy."
- 24 On greenwashing, see de Freitas Netto *et al.*, "Concepts."
- 25 Gerber *et al.*, "Tackling Climate Change," 15.
- 26 Eisen and Brown, "Rapid Global Phaseout," 7.
- 27 Murray *et al.*, "State of US Health."

- 28 Bouvard *et al.*, “Carcinogenicity”; WHO, “Cancer.”
- 29 Wilson and Serre, “Examination.”
- 30 Silbergeld *et al.*, “Industrial Food.”
- 31 Hayek, “Infectious Disease Trap.”
- 32 Pallikkathayil, “Truth about Deception.”
- 33 Crisp, “Persuasive Advertising.”
- 34 Enoch, “Autonomy as Non-Alienation,” 149.
- 35 Raz, *Morality of Freedom*, 379.
- 36 Blake, “Overcoming.”
- 37 Rothgerber, “Meat-Related.”
- 38 See e.g. Worsley, “Australian Adults’ Knowledge”; Pasquale *et al.*, “What Foods”; Sanchez-Sabate and Sabaté, “Consumer Attitudes,” 3.
- 39 Bandura, “Moral Disengagement”; Kunst and Hohle, “Meat Eaters.”
- 40 According to some estimates, around 70% of the animals used for food live in industrial farms. See Anthis and Anthis, “Global.”
- 41 Thanks are due to an anonymous reviewer for their feedback on this point.
- 42 See Cochrane and Cojocar, “Veganism,” 63–65. On food and justice, more generally, see Milburn, *Food, Justice, and Animals*, 31–4.
- 43 See Fischer, *Ethics of Eating Animals*.
- 44 *Ibid.*, chap. 9; see also Cochrane and Cojocar, “Veganism,” 64.
- 45 We thank both anonymous reviewers for discussion of that.
- 46 We are thankful to an anonymous reviewer for raising this objection.
- 47 In focusing on these three rationales, we follow Feldman, “Free Speech.” For an in-depth discussion of free speech justifications, see Greenawalt, “Free Speech Justifications.”
- 48 Nimmer, “Introduction,” 653.
- 49 Barendt, “Freedom of Expression,” 891.
- 50 Meiklejohn, “First Amendment,” 263.
- 51 Indeed, free speech theories based *only* on the democratic rationale, such as Meiklejohn’s, are accused of failing to justify protections for speech unrelated to democratic deliberation; see Post, “Meiklejohn’s Mistake.”
- 52 See Marciel, “Citizens’ Right to Information,” 366–8.
- 53 See Greenawalt, “Free Speech Justifications,” 143–5, 150–3; Brison, “Autonomy Defense.”
- 54 Shiffrin, “Deceptive Advertising,” 486.
- 55 Scanlon, “Freedom,” 520–8.
- 56 For a classic and widely influential formulation of this rationale, see Mill, *On Liberty*, 87. Cf. Greenawalt, “Free Speech Justifications,” 130; Barendt, “Freedom of Expression,” 892.
- 57 See Brietzke, “Marketplace of Ideas”; Herzog, *Citizen Knowledge*, chap. 5; Howard, “Dangerous Speech,” 226.
- 58 Shiffrin, “Deceptive Advertising,” 486.
- 59 Fiber-Ostrow and Lovell, “Veil of Secrecy.”
- 60 On such positive obligations, see Post, “Compelled Commercial Speech.”
- 61 See Dahm, “German Minister.”

References

- Almirón, Núria, ed. “Public Relations and the Animal-Industrial Complex.” In *Lobbying Against Compassion and the Ethics of Persuasion*. London: Routledge, 2023.
- Alonso, Marta E., José R. González-Montaña, and Juan M. Lomillos. “Consumers’ Concerns and Perceptions of Farm Animal Welfare.” *Animals* 10, no. 3 (2020): 1–13. <https://doi.org/10.3390/ani10030385>.
- Anthis, Kelly, and Jacy Reese Anthis. “Global Farmed & Factory Farmed Animals Estimates.” *Sentience Institute*, February 21 (2019) <https://www.sentienceinstitute.org/global-animal-farming-estimates>.
- Ataman, Deniz. “Schweid & Sons Launches USDA-Approved Climate Friendly Burgers with Tyson Foods for Retail Distribution.” *Food Navigator USA*, August 22 (2023) <https://>

- www.foodnavigator-usa.com/Article/2023/08/22/schweid-sons-launches-usda-approved-climate-friendly-burgers-with-tyson-foods-for-retail-distribution.
- Baker, C. Edwin. "The First Amendment and Commercial Speech." *Indiana Law Journal* 84, no. 3 (2009): 981–998.
- Bandura, Albert. "Moral Disengagement in the Perpetration of Inhumanities." *Personality and Social Psychology Review* 3, no. 3 (1999): 179–192. <https://doi.org/10.1207/s15327957pspr0303>.
- Barendt, Eric. "Freedom of Expression." In *The Oxford Handbook of Comparative Constitutional Law*, edited by Michel Rosenfeld and András Sajó, 891–908. Oxford: Oxford University Press, 2012.
- Bell, E., F. Bailey Norwood, and J. L. Lusk. "Are Consumers Willfully Ignorant about Animal Welfare?" *Animal Welfare* 26, no. 4 (2017): 399–402. <https://doi.org/10.7120/09627286.26.4.399>.
- Blake, James. "Overcoming the 'Value-Action Gap' in Environmental Policy: Tensions Between National Policy and Local Experience." *Local Environment* 4, no. 3 (1999): 257–278. <https://doi.org/10.1080/13549839908725599>.
- Borkfelt, Sune, Sara V. Kondrup, and Mickey Gjerris. "Closer to Nature: The Ethics of 'Green' Representation in Animal Product Marketing." In *The Ethics of Consumption: The Citizen, the Market and the Law*, edited by Helena Röcklinsberg and Per Sandin, 195–200. Wageningen: Wageningen Academic Publishers, 2013.
- Bouvard, Véronique, Dana Loomis, Kathryn Z. Guyton, Yann Grosse, Fatiha El Ghissassi, Lamia Benbrahim-Tallaa, Neela Guha, Heidi Mattock, and Kurt Straif. "Carcinogenicity of Consumption of Red and Processed Meat." *The Lancet Oncology* 16, no. 16 (2015): 1599–1600. [https://doi.org/10.1016/S1470-2045\(15\)00444-1](https://doi.org/10.1016/S1470-2045(15)00444-1).
- Brietzke, Paul H. "How and Why the Marketplace of Ideas Fails." *Valparaiso University Law Review* 31, no. 3 (1997): 951–969.
- Brison, Susan J. "The Autonomy Defense of Free Speech." *Ethics* 108, no. 2 (1998): 312–339. <https://doi.org/10.1086/233807>.
- Brown, Étienne. "Regulating the Spread of Online Misinformation." In *The Routledge Handbook of Political Epistemology*, edited by Michael Hannon and Jeroen de Ridder, 214–225. New York: Routledge, 2021.
- Carson, Thomas L. "Lying, Deception, and Related Concepts." In *The Philosophy of Deception*, edited by Clancy Martin, 153–187. New York: Oxford University Press, 2009.
- Cochrane, Alasdair, and Mara-Daria Cojocaru. "Veganism as Political Solidarity: Beyond 'Ethical Veganism'." *Journal of Social Philosophy* 54, no. 1 (2023): 59–76. <https://doi.org/10.1111/josp.12460>.
- Crisp, Roger. "Persuasive Advertising, Autonomy, and the Creation of Desire." *Journal of Business Ethics* 6, no. 5 (1987): 413–18.
- Dahm, Julia. "German Minister Presents Plans for Mandatory Animal Welfare Label," translated by Elena Borst. *Euractiv*, June 8, 2022. <https://www.euractiv.com/section/agriculture-food/news/german-minister-presents-plans-for-mandatory-animal-welfare-label/>.
- Dillard, Carter. "False Advertising, Animals, and Ethical Consumption." *Animal Law Review* 10 (2004): 25–62.
- Eisen, Michael B., and Patrick O. Brown. "Rapid Global Phaseout of Animal Agriculture Has the Potential to Stabilize Greenhouse Gas Levels for 30 Years and Offset 68 Percent of CO2 Emissions This Century." *PLoS Climate* 1, no. 2 (2022): e0000010. <https://doi.org/10.1371/journal.pclm.0000010>.
- Enoch, David. "Autonomy as Non-Alienation, Autonomy as Sovereignty, and Politics." *Journal of Political Philosophy* 30, no. 2 (2022): 143–165. <https://doi.org/10.1111/jopp.12264>.
- Feldman, Stephen M. "Free Speech and Free Press." In *The Oxford Handbook of the US Constitution*, edited by Mark V. Tushnet, Mark A. Graner, and Sanford Levinson, 629–649. New York: Oxford University Press, 2016.
- Fiber-Ostrow, Pamela, and Jarret S. Lovell. "Behind a Veil of Secrecy: Animal Abuse, Factory Farms, and Ag-Gag Legislation." *Contemporary Justice Review: Issues in Criminal, Social,*

- and *Restorative Justice* 19, no. 2 (2016): 230–249. <https://doi.org/10.1080/10282580.2016.1168257>.
- Fischer, Bob. *The Ethics of Eating Animals: Usually Bad, Sometimes Wrong, Often Permissible*. London: Routledge, 2020.
- de Freitas, Netto, Sebastião Vieira, Marcos Felipe Falcão Sobral, Ana Regina Bezerra Ribeiro, and Gleibson Robert da Luz Soares. “Concepts and Forms of Greenwashing: A Systematic Review.” *Environmental Sciences Europe* 32 (2020): 19. <https://doi.org/10.1186/s12302-020-0300-3>.
- French, Ellie. “Judge Dismisses Deceptive Marketing Lawsuit against Ben & Jerry’s.” *Vtdigger*, May 11 (2020) <https://vtdigger.org/2020/05/11/judge-dismisses-deceptive-marketing-lawsuit-against-ben-jerrys-%EF%BB%BF/>.
- Gerber, P. J., H. Steinfeld, B. Henderson, A. Mottet, C. Opio, J. Dijkman, A. Falcucci, and G. Tempio. *Tackling Climate Change Through Livestock. A Global Assessment of Emissions and Mitigation Opportunities*. Rome: Food and Agriculture Organization of the United Nations, 2013.
- Grauerholz, Liz. “Cute Enough to Eat: The Transformation of Animals into Meat for Human Consumption in Commercialized Images.” *Humanity & Society* 31, no. 4 (2007): 334–354. <https://doi.org/10.1177/016059760703100404>.
- Greenawalt, Kent. “Free Speech Justifications.” *Columbia Law Review* 89, no. 1 (1989): 119–155. <https://doi.org/10.2307/1122730>.
- Gregory, N. G. “Consumer Concerns about Food.” *Outlook on Agriculture* 29, no. 4 (2000): 251–57. <https://doi.org/10.5367/000000000101293310>.
- Hayek, Matthew N. “The Infectious Disease Trap of Animal Agriculture.” *Science Advances* 8, no. 44 (2022): 1–9. <https://doi.org/10.1126/sciadv.add6681>.
- Herzog, Lisa. *Citizen Knowledge Markets, Experts, and the Infrastructure of Democracy*. Oxford: Oxford University Press, 2023.
- Howard, Jeffrey W. “Dangerous Speech.” *Philosophy & Public Affairs* 47, no. 2 (2019a): 208–254. <https://doi.org/10.1111/papa.12145>.
- Howard, Jeffrey W. “Free Speech and Hate Speech.” *Annual Review of Political Science* 22 (2019b): 93–109. <https://doi.org/10.1146/annurev-polisci-051517-012343>.
- Kunst, Jonas R., and Sigrid M. Hohle. “Meat Eaters by Dissociation: How We Present, Prepare and Talk about Meat Increases Willingness to Eat Meat by Reducing Empathy and Disgust.” *Appetite* 105 (2016): 758–774. <https://doi.org/10.1016/j.appet.2016.07.009>.
- Marciel, Rubén. “On Citizens’ Right to Information: Justification and Analysis of the Democratic Right to Be Well Informed.” *Journal of Political Philosophy* 31, no. 3 (2023): 358–384. <https://doi.org/10.1111/jopp.12298>.
- Mathiesen, Kay. “Fake News and the Limits of Freedom of Speech.” In *Media Ethics, Free Speech, and the Requirements of Democracy*, edited by Carl Fox and Joe Saunders, 161–179. New York: Routledge, 2019.
- Meiklejohn, Alexander. “The First Amendment Is an Absolute.” *Supreme Court Review* 245 (1961): 245–266. <https://doi.org/10.1525/sp.2007.54.1.23>.
- Milburn, Josh. *Food, Justice, and Animals: Feeding the World Respectfully*. Oxford: Oxford University Press, 2023.
- Mill, John Stuart. *On Liberty*. New Haven: Yale University Press, 2003.
- la Lama, Miranda-de, Genaro C., Laura X. Estévez-Moreno, Morris Villaroel, Adolfo A. Rayas-Amor, Gustavo A. Maria, and Wilmer S. Sepúlveda. “Consumer Attitudes Toward Animal Welfare-Friendly Products and Willingness to Pay: Exploration of Mexican Market Segments.” *Journal of Applied Animal Welfare Science* 22, no. 1 (2019): 13–25. <https://doi.org/10.1080/10888705.2018.1456925>.

- Monbiot, George. "It's Time to Wean Ourselves Off the Fairytale Version of Farming." *Guardian*, May 29 (2015) <https://www.theguardian.com/environment/georgemonbiot/2015/may/29/its-time-to-wean-ourselves-off-the-fairytale-version-of-farming>.
- Murray, Christopher J. L., Ali H. Mokdad, Katherine Ballestros, Michelle Echko, Scott Glenn, Helen E. Olsen, Erin Mullany, et al. "The State of US Health, 1990–2016: Burden of Diseases, Injuries, and Risk Factors among US States." *JAMA – Journal of the American Medical Association* 319, no. 14 (2018): 1444–72. <https://doi.org/10.1001/jama.2018.0158>.
- Nimmer, Melville B. "Introduction – Is Freedom of the Press a Redundancy: What Does It Add to Freedom of Speech?" *Hastings Law Journal* 26 (1974): 639–658.
- Norwood, F. Bailey, and Jayson L. Lusk. *Compassion, by the Pound: The Economics of Farm Animal Welfare*. Oxford: Oxford University Press, 2011.
- Pallikkathayil, Japa. "The Truth about Deception." *Philosophy and Phenomenological Research* 98, no. 1 (2019): 147–166. <https://doi.org/10.1111/phpr.12440>.
- Pasquale, Jorgelina Di, Eleonora Nannoni, Isabella Del Duca, Felice Adinolfi, Fabian Capitanio, Luca Sardi, Marika Vitali, and Giovanna Martelli. "What Foods Are Identified as Animal Friendly by Italian Consumers?" *Italian Journal of Animal Science* 13, no. 4 (2014): 782–89. <https://doi.org/10.4081/ijas.2014.3582>.
- Pinto da Rosa, P., B. Pio Ávila, I. Damé Veber Angelo, R. Garavaglia Chesini, T. Albandes Fernandes, J. da Silva Camacho, M. Bugoni, V. F. B. Roll, and M. A. Gularte. "Impact of Different Chicken Meat Production Systems on Consumers' Purchase Perception." *British Poultry Science* 62, no. 3 (2021): 387–395. <https://doi.org/10.1080/00071668.2020.1857335>.
- Post, Robert. "Compelled Commercial Speech." *West Virginia Law Review* 117, no. 3 (2015): 867–919. <https://doi.org/10.2139/ssrn.2504180>.
- Post, Robert. "Meiklejohn's Mistake: Individual Autonomy and the Reform of Public Discourse." *Yale Law School Legal Scholarship Repository* 1, no. 1 (1993): 1109–37.
- Raz, Joseph. *The Morality of Freedom*. Oxford: Oxford University Press, 1988.
- Reynolds, Matt. Is There Really Such a Thing as Low-Carbon Beef? WIRED.com, January 17 2022. <https://www.wired.com/story/low-carbon-beef/>.
- Rothgerber, Hank. "Meat-Related Cognitive Dissonance: A Conceptual Framework for Understanding How Meat Eaters Reduce Negative Arousal from Eating Animals." *Appetite* 146 (2020): 104511. <https://doi.org/10.1016/j.appet.2019.104511>.
- Sanchez-Sabate, R., and J. Sabaté. "Consumer Attitudes towards Environmental Concerns of Meat Consumption: A Systematic Review." *International Journal of Environmental Research and Public Health* 16, no. 7 (2019): 1220. <https://doi.org/10.3390/ijerph16071220>.
- Scanlon, T. M. "Freedom of Expression and Categories of Expression." *Pittsburg Law Review* 40 (1978): 519–550.
- Schlottman, Christopher, and Jeff Sebo. *Food, Animals, and the Environment. An Ethical Approach*. New York: Routledge, 2020.
- Scott-Reid, Jessica. "The 'Humanewashing' of America's Meat and Dairy, Explained." *Vox*, December 21 (2021) <https://www.vox.com/22838160/animal-welfare-labels-meat-dairy-eggs-humane-humanewashing>.
- Shiffrin, Seana Valentine. "Deceptive Advertising and Taking Responsibility for Others." In *The Oxford Handbook of Food Ethics*, edited by Anne Bernhill, Mark Budolfson, and Tyler Doggett, 470–493. New York: Oxford University Press, 2018. <https://doi.org/10.1093/oxfordhb/9780199372263.013.30>.
- Silbergeld, Ellen K., Jay Graham, and Lance B. Price. "Industrial Food Animal Production, Antimicrobial Resistance, and Human Health." *Annual Review of Public Health* 29 (2008): 151–169. <https://doi.org/10.1146/annurev.publhealth.29.020907.090904>.

- Toma, Luiza, Alistair W. Stott, Cesar Revoredo-Giha, and Beata Kupiec-Teahan. "Consumers and Animal Welfare. A Comparison between European Union Countries." *Appetite* 58, no. 2 (2012): 597–607. <https://doi.org/10.1016/j.appet.2011.11.015>.
- Trudel, Remi. "Sustainable Consumer Behavior." *Consumer Psychology Review* 2 (2019): 85–96. <https://doi.org/10.1002/arcp.1045>.
- WHO (World Health Organization). Cancer: Carcinogenicity of the Consumption of Red Meat and Processed Meat October 26, 2015. <https://www.who.int/news-room/questions-and-answers/item/cancer-carcinogenicity-of-the-consumption-of-red-meat-and-processed-meat>.
- Wilson, Sacoby M., and Marc L. Serre. "Examination of Atmospheric Ammonia Levels near Hog CAFOs, Homes, and Schools in Eastern North Carolina." *Atmospheric Environment* 41, no. 23 (2007): 4977–87. <https://doi.org/10.1016/j.atmosenv.2006.12.055>.
- Worsley, Anthony, Wei Wang, and Stacey Ridley. "Australian Adults' Knowledge of Australian Agriculture." *British Food Journal* 117, no. 1 (2015): 400–411. <https://doi.org/10.1108/BFJ-07-2013-0175>.