

June 2015

At its root, this is a disagreement about whether the name Fire Cider should be a generic term. Ultimately this is an issue that only a court can decide.

The Free fire Cider/ Tradition not Trademark (TnT/FFC) people are exploiting public ignorance of how trademarks work to whip up fear and outrage and have misled the public on the following points.

False claims about how trademarks work, and the danger posed by our TM.

- “My biggest concern is that if Shire City Herbals is allowed to ‘own’ the name of a product that they neither created nor named, it sets a dangerous precedent. Certainly, there is a direct threat to the traditions of herbalists, which is why a grassroots movement has sprung up fight for this product. But, what about other the names of other legacy products and the broader implications? Could a chef petition to trademark a popular food product like ‘chicken noodle soup’ or ‘BBQ chicken pizza’ or an architect trademark the ‘hip roof’ and then try to halt commercial sales of long standing, existing products?” - Paragraph 7 [here](#)
- “Legally the trademark only covers the commerce of Fire Cider, but the side effect of changing a product name means that it has to get changed in promotional material such as books, blogs, recipes and classes. - [here](#) under “Can I use the term Fire Cider?”
- “...this could set the precedent for the trademarking of generic, traditional terms by national companies and could lead to a huge change in the grassroots herbal product industry, nationally and internationally. With national companies potentially bullying smaller herbal producers with the legal system, forcing them to stop using generic, cultural, historical herbal terms, so that they can capitalize off of the term, and monopolize the industry with the standardized product. A scenario like this could lead to restricted access to quality, small batch, herbal remedies made locally and distributed locally”. - [here](#) first paragraph
- “Many people feel this is a dangerous precedent to anyone who creates and shares recipes anywhere on the web or in books...” - [here](#) first paragraph

These and many similar claims, along with even more outrageous claims made in articles and blogs that the TnT/FFC people link to on social media, give a very distorted picture of how trademark laws work.

Making up quotes.

- “Amy Huebner, owner of Shire City Herbal’s publicly stated that the boycott “effectively doubled their business”.” - [here](#)

This is a made up quote. The TnT/FFC people are using this in some sort of bizarre attempt to portray their boycott as having benefited our business. This makes no sense, and is false. We’ve clearly stated that we’ve continued to grow *in spite of* the activities of the TnT people, the

opposite of their imaginary quote. The actual quote that the TnT people are referring to is this: “If the only reason people were buying our product was because of Rosemary’s legacy, as the story goes, then surely this call to action would seriously damage our business. In fact, the exact opposite has happened. Instead of withering under the boycott, we have nearly doubled the number of customers and stores that stock Fire Cider over the past year.” - [here](#) fourth comment by Brian.

False claims about what we have done.

- Kathi Langlier of Herbal Revolution claims to have been shocked that we were suing her. She knows exactly why she is being sued, as we were in ultimately fruitless communication with her about how her label and advertising continued to use our trademark for over a year up before we filed suit.
 - Until June 17, 2015 her website described her Fire Tonic #9 as “Fire Tonic aka Fire Cider...”
 - Until some time in June 2015 the packaging of her Fire Tonic #9 stated: “Fire Tonic aka Fire Cider...”

Distortions about what kind of business we are.

- The TnT people continue to describe us as a national corporation.
- In the TnT [fundraiser video](#) states:
 - “The corporation ignored the boycott and the public outcry...”
 - “...and has since started suing women farmers and small businesses owners...”
 - “..this national corporation is suing small local farmers for \$100,000 in damages due to the boycott...”

We’ve been over this before in our previous compendium of [freefirecider.com](#) lies and distortions. Again, when this all started we were a three person company, now we have grown to six people. The cafe down the street where we have meetings has more full time employees than we do. By any sort of objective measure, six people is a small business. The [freefirecider.com](#) people repeatedly refer to us as a “national corporation” and “the corporation”, while they are “women farmers” and “small local businesses”.

Herbal Revolution’s products are sold in many states, why does that make her a small local business and us a National Corporation? The double speak from this group is outrageous and they have yet to respond to or correct these misleading statements.