

This Month's Articles

SCAN ME



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It's National...



Ice Cream Day on July 16!

In 1984, President Reagan decreed a day just for ice cream, and proclaimed July as National Ice Cream month. Americans lead the world in ice cream consumption but there is no one known inventor. It has been found that ice cream like food was first consumed in China between 618-97. Marco Polo returned to Italy from the far East with a recipe for what we know call sherbet and it is this recipe that we believe was developed into ice cream. In 1744, Colonists from Scotland brought an ice cream recipe to North America.

Following the American Revolution, ice cream became very popular in the US. In 1939, American mass production of ice cream was accomplished to boost the morale of allied troops in Europe. In the 1970s, pre-packaged ice cream was in supermarkets and ice cream parlors.



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Estate Planning Buzz

Savoring Sweet Legacies

One of my wife's favorite gifts didn't come from me. A few years ago, our friends gave her an ice cream maker for Christmas. While she readily admits she was skeptical about its use, it has now become her favorite kitchen gadget and is used regularly.

Making homemade ice cream is so easy and delicious that we always have a large Costco sized heavy cream container in our fridge.

I can't see estate planning becoming as popular as ice cream, but at our office we do try to make the experience as enjoyable as possible. We combine different estate planning tools to create a plan that best reflects your wishes, protects your assets, and continues to work for you as things change. We try to minimize conflicts by making sure everyone is on the same page and following your wishes to make it a smooth process. Finding the right mixture can lead to easier transitions, and have a positive impact on future generations, ensuring not just your wealth, but your values live on.

Just as we savor each spoonful of ice cream, estate planning can bring us the peace of mind that comes from knowing our assets are protected and our loved ones are taken care of.

To learn more contact us at (248) 409-0256 or info@ferrilawpllc.com. I look forward to hearing from you!

Inside and Outside of the Courtroom

Freezing out the Competition

Anyone who has promised their child ice cream from McDonald's knows it is risky, because often the machines are broken. To solve this problem, tech company "Kytch" created an AI-powered device to monitor ice cream machines and allow McDonald's franchise owners to do basic repairs on the machines. Before Kytch, only a Taylor (the machine manufacturer) certified technician could repair the broken machines.

Now Kytch is suing McDonald's for \$900 million alleging defamation, stealing confidential information and misleading customers on safety issues. Kytch claims Taylor and McDonald's attempted to drive Kytch out of marketplaces and conspired to maintain a monopoly that costs franchisees thousands of dollars. In the lawsuit, Kytch claims after its product was endorsed by the National Owners Association (of McDonald's franchises) McDonald's attempted to create its own competing product based on stolen Kytch's software. Also, that McDonald's alleged false safety claims lead to the belief that Kytch's tech could cause serious injury and therefore ruined Kytch's business.

Kytch also filed a restraining order against Taylor claiming that the company stole trade secrets. The court allowed the restraining order to proceed, and Taylor was to turn over all the allegedly reverse engineered Kytch devices within 24 hours. A huge victory for Kytch. However, Kytch has struggled to keep its device in franchises since Taylor told McFlurry machine owners that it could be dangerous. Litigation is still ongoing so don't expect the ice cream situation to be fixed any time soon.

American ice cream companies, Good Humor and Popsicle started with similar products patented in 1923 and 1924 and have engaged in numerous battles in at least nine federal courts. They briefly joined forces in 1925 to protect their joint rights but broke up in 1932.

In 1925, Good Humor and Popsicle agreed to divide the frozen dessert market. Popsicle got cylindrical frozen suckers of "flavored syrup, water ice, or sherbet." Good Humor was given rectangular frozen suckers of "ice cream, frozen custard or the like."

In 1931, Popsicle was pressured to make a cheap ice cream after a drop in dairy prices. It approached Good Humor with an ice cream alternative and to refine the 1925 agreement, to include "ice milk" or "light ice cream" with less butter fat, as sherbet. In the winter of 1931 Popsicle made the "Milk Popsicle" to compete with Good Humor's five cent "Cherrio" bar. It was chocolate covered, with 4.48% butter fat in a keystone-shaped design. Good Humor sued Popsicle for infringing the 1925 agreement by making the rectangular milk-based product.

After hearing both arguments, the judge ruled "sherbet" meant a water sherbet and the Milk Popsicle violated Good Humor's rights. He did not rule on the shape, but said the two were alike in appearance, texture, and taste. Both sides appealed. Popsicle on sherbet and Good Humor on shape. The court of appeals confirmed the ruling on sherbet composition, but again no decision was made on shapes.

The companies reached a new agreement on April 7, 1933. Today, both are owned and made by Good Humor-Breyers Ice Cream.

Tips for Your Estate Plan

Some simple steps to take:

1. Consider Your Options: Just as thought goes into what ice cream you get (flavor, cone or bowl, toppings, sauces, etc.) take the time to choose your beneficiaries and decision-makers in your estate plan wisely. Consider their financial responsibility, trustworthiness, and potential willingness to follow your directives in the future to ensure your preferences and needs are met.
2. Share the "Scoop:" Fill your loved ones in by communicating your wishes, intentions, or concerns. This gets everyone on the same page and can help avoid confusion, misunderstandings, and potential conflicts down the road.
3. Have Regular "Taste Tests" of Your Plan: Much like you may find yourself wanting to try new flavors as you grow, life circumstances change, laws change, and relationships evolve. Regularly review and update your estate plan to ensure it remains aligned with your current wishes.

Take A Break

True or False, the following are **real** commercially made ice cream flavors that can be found in North America:

- | | |
|--------------------------|----------------------------|
| ___ Cereal Milk | ___ Corn on the Cob |
| ___ Penguin | ___ Ranch |
| ___ Broccoli and Cheddar | ___ Oil and Vinegar |
| ___ Pizza | ___ Tiger Tail |
| ___ Turkey | ___ Cicada |
| ___ Booger | ___ Bourbon and Corn Flake |
| ___ Pringles© | ___ Cold Sweat |
| ___ Clam Chowder | ___ Swedish Fish |

You can find the answers and more sweet details here

