

This Month's Articles

SCAN ME



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It's National...



National Candy Day is November 4th!

Candy originated in India. Ancient Indians would boil sugarcane juice and turn it into individual pieces of sugar called "khanda." Before sugarcane, honey was used in ancient China, the Middle East, Egypt, Greece and Rome to coat fruits and flowers to preserve them. In the Middle Ages, candy was mostly consumed by the wealthy and was made of sugar and spices to help with digestive problems. Candy came to America in the 18th century from France and Britain.

1875 – the year when Daniel Peter and Henri Nestle created milk chocolate.
2.8 billion pounds – the amount of chocolate consumed in the US each year.
\$7 billion – the amount spent on chocolate every year.
65% – the percentage of the total candy produced that is consumed by Americans over the age of 18.



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Estate Planning Buzz

Designing Unique Legacies

While I don't have a candy bar named after me, our family took a trip to Hershey Pennsylvania and I was able to make my own candy bar. I enjoyed the entire process which included selecting items to add to the chocolate and designing my own label. This experience, oddly enough, can be compared to an essential aspect of estate planning, allowing individuals to design a legacy that reflects their personal wishes.

People often think estate planning is just filling in some forms and adding names, but really there is more to it. When done properly, you can make sure your wishes, your voice and your tastes are all heard and carried out all while you are alive and well, incapacitated and even at your death.

Estate planning is an opportunity to leave a legacy that mirrors your life's values and goals. This process empowers you to make thoughtful decisions about your assets, beneficiaries, and how you want to be remembered. It's about creating a lasting impression that's as unique and sweet as a one-of-a-kind candy bar, ensuring that your legacy lives on as you desire.

Contact us and see what you can create at (248) 409-0256 or info@ferrilawpllc.com. I look forward to hearing from you!

Inside and Outside of the Courtroom

Radio Station Sued for “100 Grand”

In 2005, a nighttime DJ for WLTO-FM in Lexington, Kentucky announced a contest in which the station would give “100 Grand” to the tenth caller. Norreasha Gill filed a lawsuit against the owner of the radio station after she was informed that the contest was a joke and that the “100 Grand” was a candy bar, and not a cash prize. The case went to mediation and was eventually dismissed after both parties agreed to a settlement.

Who Was the Baby Ruth Candy Bar Named After?

In 1921, Babe Ruth was the biggest star in baseball, and Otto Schnering, owner of Curtiss Candy Company, created the candy bar, the Baby Ruth. The new bar was a success and by 1926 sales of the bar totaled one million dollars a month.

In 1926, Babe Ruth decided to have his own candy bar and sought to register “Ruth’s Home Run Candy” with the U.S. Patent and Trademark Office. The wrappers had a picture of Babe Ruth in his uniform and a note that said “Babe Ruth’s Own Candy.” The Curtiss Candy Company sued Babe Ruth for copyright infringement claiming that their candy bar had been named after Ruth Cleveland, the eldest daughter of President Grover Cleveland.

Schnering’s argument is unsubstantiated because Ruth Cleveland was born in 1891 and died in 1904, seventeen years before the candy bar was introduced. Despite the interest in Baby Ruth, the Clevelands protected their daughter’s privacy and refused requests from newspapers to take her photograph.

While the explanation seemed irrational, the U.S. government accepted it and a patent court ruled in 1931 that the ballplayer was trying to cash in on his nickname and profit from the similarity of his name to that of the popular candy bar.

Legal Battle Over 'Fun Size' Candy

M&Ms, Three Musketeers, Twix, and Skittles are well-known “Fun Size” candies, a term initially coined by Mars in 1968 for their mini versions. However, the concept of a smaller candy bar was developed earlier by The Curtiss Candy Company, with their “Junior” candy bars. The popularity of the “Fun Size” bars led The Curtiss Candy Company to adopt the name as well.

When other candy companies began using the term “Fun Size,” Mars registered a trademark for the term in 1971. Then Mars sued Curtiss over the use of the term. Mars lost the case when Curtiss showed a company on the West Coast had trademarked “Fun” for candy uses in 1926. The Court of Appeals found “Fun Size” was not solely associated with Mars.

Mars purchased the “Fun” trademark from the West Coast company and filed a new trademark infringement lawsuit. In 1974, the U.S. District Court of the Southern District of New York decided the action could not be denied outright and stayed any action on the decision until the lawsuit had run its course.

After that 1974 decision, there are no further legal rulings on the matter and based on labels today it is understood that Mars was unable to stop Curtiss from using the term “Fun Size.” Mars still has a trademark on “Fun Size,” but it let its trademark on “Fun” expire in the 90s.

Tips for Your Estate Plan

Some considerations to make when sharing the sweetness:

1. Consider passing on your estate while you are still alive. Giving gifts can be a heartfelt way to share cherished possessions with loved ones. Whether it's heirlooms, art, or sentimental items, this act of generosity allows you to witness the joy it brings, and it can also help streamline your estate.
2. Consider adding a life insurance policy in your estate plan as an additional layer of protection. This addition can act as a financial safety net, ensuring that your loved ones have the resources they need when you're no longer there to provide for them.
3. Consider naming charitable beneficiaries in your estate plan to leave a lasting legacy. Including your favorite charities can help pass on values to your loved ones, have a lasting impact and perhaps reduce your tax burden.
4. Consider the age and financial responsibility of your beneficiaries when designating them. You may want to establish age or milestone-based distributions to protect young beneficiaries from receiving a substantial lump sum too soon.

Take A Break

Match the state with its favorite Candy Bar

1. Butterfinger:
2. Hershey:
3. Kit Kat:
4. Milky Way:
5. Reese’s Cups:
6. Snickers:
7. Three Musketeers:
8. Twix:



You can find the answers here



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