

A refreshing change

Trademark and advertising lawyers yesterday enjoyed the opportunity to educate a keen new marketing professional about the legal questions that need to be answered before a new food product can be launched.

During the session moderator Marion Bailey of Gowlings took on the role of a marketer who wants to launch a new product called LIPTON GOOD LEAF ICED TEA in the US and Canada but “doesn’t want to deal with the legal requirements.”

Catherine Clayton of Gibbons PC explained some of the details of US labeling law such as the requirement to display weight in both the metric and US Customary System. She also outlined the need to show that food contains substances that cause

allergic reactions, which can lead to over-the-top examples such as a packet of peanuts that has the word peanuts prominently displayed and pictures of peanuts all over the packaging but still contains the statement “contains peanuts.” This “leads to some good lawyer jokes on airplanes” according to Clayton, as passengers mock the over-cautious nature of lawyers while chewing their complimentary nuts.

Carolyn Tate of Unilever Canada and Susan Vogt of Gowlings emphasized that US lawyers need to remember that Canada is a sovereign federal state and has rules and regulations that differ from the US.

Most obviously, because the population of Quebec is over 80% Francophone, all text on the

packaging and labels of goods sold in Quebec has to have French of equal prominence, as is shown in the slide which compares how the US and Canadian labels for LIPTON GOOD LEAF ICE TEA might look. Other differences to watch out for include different rules for nutritional information and the claims for the potential health benefits of food and drinks.



About 40 full-time and visiting professors, as well as INTA Board members, attended the seventh annual Professor Breakfast yesterday morning. Welcoming the professors, who came from as far afield as Mexico and Singapore, Carla Oakley of Morgan Lewis & Bockius said it was the largest breakfast yet. Those present introduced their work and discussed their research interests, as well as the variety of events and activities that INTA runs for professors and students. Today's session CT02—Freedom of Expression and Unfair Competition: An International Academic Perspective on the Boundaries of Fair Use features a panel of law professors from the US, Germany, Mexico and the Netherlands and will look at use of others' trademarks, fair use defenses and barriers

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