

## [No More 'Hon'? Hon Battle in Baltimore Over Trademarked Endearment](#)

### **Media Law Bulletin**

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There's a war waging in Baltimore—over the use of a common endearment. What's causing all of this excitement? No, it's not "sugar pie," "pumpkin" or "baby cakes." It's "hon," short for honey. Baltimoreans are up in arms over a term some might argue is sexist, misogynistic and right out of the 1950s. But enough folks in Baltimore believe in the validity and value of the term to either support the trademark or fight over the right to use it. Call it, as many news outlets already have, the "Battle of the Hons."

### **This Hon Is Mine**

Denise Whiting owns Café Hon, Honbar and Hontown (a gift shop) and also founded Honfest ([www.honfest.net](http://www.honfest.net)), an annual Baltimore celebration that features a cartoon-like image of a large, bespectacled, heavily lipsticked, homegrown Baltimore character with tall hair and a love of housedresses. Whiting told a *Baltimore Sun* reporter that she began applying for trademarks on "hon" and its variations in 1992 after opening Café Hon. (However, the U.S. Patent and Trademark Office website shows the first trademark for "hon" was granted in 2005.)

The public at large did not find out about the claimed ownership of "hon" until December 2010, when local news in Baltimore reported on the controversy. People were surprised that Whiting not only owns the rights to using "hon" on items such as napkins, note cards, calendars, pens, shirts, hats, underwear, ties and shorts, but that Whiting likely will seek a license from folks who want to use the word for anything commercial.

For instance, in 2005, an attorney representing Whiting wrote to the owners of a store called Thanks, Hon! telling them to "immediately cease and desist from any use of the term HON." The store has since closed.

Over the years, the mark has been used by Café Hon "to identify its goods and services and to distinguish them from those sold by others," stated the letter written to Thanks, Hon!'s owner. "Such use includes restaurant services and retail services for gifts and novelties including clothing, paper goods, note cards, greeting cards, gift bags, etc."

In Fall 2010, the Maryland Transit Administration (MTA) wanted to increase ridership, so the MTA created a campaign using beehived and bespectacled "Hon" character for a new fare card along with the phrase "Get yours, hon." The MTA, however, had to get Whiting's permission. Whiting didn't charge money but she did insist on approving each ad, poster and television commercial.

And a few years ago, when Whiting found out that someone was selling "hon" merchandise at the Baltimore-Washington International Airport, she confronted him, demanding he turn over all of the goods and pay her attorney's fees. He complied. One wonders if that same vendor moved on to selling merchandise with a "sweet cheeks" or "sugar pie" logo?

The very idea that one woman could legally own a word so deeply entrenched in Baltimore's lexicon, a term that seems to touch on the city's very blue-collar, audacious essence, did not sit well with many Baltimoreans.

## **Taking Back Hon**

However, because Baltimoreans don't see using "sugar" as a viable alternative, the days of allowing a one-woman monopoly on "hon" may be coming to an end. One determined man is saying enough is enough. Bruce Goldfarb, the publisher of a website called "Welcome to Baltimore, Hon!", is attempting to challenge Whiting's trademark of "hon" by selling a coffee mug "emblazoned" with the word in an attempt to get Whiting to bring a lawsuit.

Goldfarb's plan is to call Whiting's bluff and make her enforce her trademark and prove the validity of it. Goldfarb is also the local editor of *Arbutus Patch*, a separate site from the *North Baltimore Patch*,

which has covered the "hon" story. *Arbutus Patch* is, however, part of the same Patch.com network of community news websites. His action was not taken in his role as a *Patch* editor.

In an editor's note on his site, Goldfarb explains why he took the unusual step of inserting himself into a news story. Goldfarb believes that the "hon" trademark is not valid because "'hon' is being used—and sold—by Whiting in its common meaning as a term of endearment and not to exclusively represent a business, product or service."

### **'Hon'est Protest**

Details about her "hon" trademark were first reported in the *Baltimore Sun* in December. After a week of outrage about Whiting's trademarking the word "hon," a group of 50 people gathered in Hampden, Md., to protest.

The demonstration was mostly organized via a Facebook page called "Boycott Café Hon."

The peaceful demonstration lasted an hour. Protesters mostly marched around in the cold along The Avenue, some holding posters with slogans such as "Honicide: Life on 36th Street," "You Can't Trademark Our Culture, Hon" and "Boycott Cafe Hon Now ... so we can go home and watch the Ravens like we oughta."

"They've taken that word away from us," the rally's organizer, Steve Akers, 25, an optician, told the *Baltimore Sun*. "They're making money off of a culture that's not theirs. It's my grandmother's and my mom's."

Miraculously, a counterprotest sprang up in the same area to support Whiting, who was on the scene in an animal-print faux fur coat and her customary bejeweled cat's-eye spectacles.

Given the emotions and setting, one would have expected a pie fight to break out, but the protesters dispersed peacefully around dinnertime, the *Baltimore Sun* reported. But the controversy, name calling and sometimes uncivilized behavior continue. The fact that Whiting said she wouldn't be going after diner waitresses who sweet-talk customers or little girls with hon-centric Halloween

costumes didn't seem to matter. The online community has been particularly harsh in its criticism of Whiting. Though the protesters were mild-mannered, online comments have called Whiting "disgusting," "phony" and "a vulture." Perhaps worst of all, she has been compared to Robert Irsay, who in 1984 moved the Colts out of Baltimore under cover of night. For a Baltimorean, that is the lowest of blows.

## **In Defense of Hon**

Whiting has said the trademark is necessary to protect the business and products she has built since 1992, a move her defenders say she has every right to pursue. Whiting said the controversy has not hurt her business, but she seemed perplexed by the level of vitriol directed at her.

"There was no malicious intent here -- it's basic trademark law. That's it," she told the *Baltimore Sun*.  
" 'Hon' is fun. It's a wonderful word.

"I don't know why they're bullying me. I'm just protecting the business I started 19 years ago. It's that simple. We will continue to celebrate 'hon' and we welcome everyone into Café Hon and into Hontown if they're protesters or lovers or haters, neighborhood people, poor or rich. Everyone is welcome, hon."

## **Hon, I'm Sorry**

Whiting has since offered an apology to the people of Baltimore. Her full statement can currently be found [here](#). One cannot help but think that, while riots over "hon" may have been avoided for now, a "sweet cheeks" controversy may just be beginning to heat up in Detroit.

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