

Redskins, rock band The Slants form unusual alliance in trademark fight

By SAM HANANEL
Associated Press

WASHINGTON — Simon Tam has openly criticized the Washington Redskins team name as a racist slur that demeans Native Americans.

But Tam and his Asian-American rock band, The Slants, have formed an unusual alliance with the NFL franchise as they both battle the U.S. government over trademark protection for names that some consider offensive.

The Supreme Court could decide as early as this month whether to hear the dispute involving the Portland-area band. And if the football team has its way, the justices could hear both cases in its new term.

At issue is a First Amendment challenge to a law barring the U.S. Patent and Trademark Office from registering trademarks that disparage minority groups. The office denied a trademark to the Slants in 2011 after finding the name disparaged people of Asian descent.

Not to offend

The Slants say their goal was not to offend anyone, but to transform a derisive term about the shape of Asian eyes into a statement of ethnic and cultural pride. The band won a major victory last year when a divided federal appeals court in Washington, D.C., ruled the law prohibiting offensive trademarks violates free-speech rights. The Obama administration has asked the Supreme Court to overturn that ruling.

The Redskins, too, say their team name is meant to honor American Indians. But the team has faced years of legal challenges, and a testy public relations fight, from members of the very group they claim to salute. The Redskins case involves the trademark office's move last year to cancel the team trademark that was first registered in 1967. A federal judge has agreed with that decision.



Anthony Pidgeon/Redferns
The Asian-American band The Slants, from left, Joe X Jiang, Ken Shima, Tyler Chen, Simon "Young" Tam, Joe X Jiang in Old Town Chinatown, Portland. The Supreme Court could decide as early as this month whether to hear the dispute involving the Portland-area band. And if the Washington Redskins football team has its way, the justices could hear both cases in its new term.



AP Photo/Nick Wass
Washington Redskins football helmets are seen before an NFL preseason football game between the Washington Redskins and the New York Jets, in Landover, Md.

A federal appeals court in Richmond, Virginia, has not yet considered the team's appeal, but the Redskins are urging the Supreme Court not to wait. If the high court agrees to hear the Slants case, the team wants the justices to hear both disputes at the same time. Such requests to leapfrog lower courts are rarely granted.

Tam, in a legal brief, agrees

that the cases should be considered together. Otherwise, he says, a future ruling against the Redskins could end up affecting the band's status.

Unusual alliance

The legal alliance may seem surprising to anyone who has been on The Slants' website. One section has a lengthy list of reasons why the cases are different. No. 1 is "unlike REDSKINS, THE SLANTS is not an inherent racial slur."

The website says the word Redskin "has a long history of oppression" and "the football team treats the people as mascots." By contrast, The Slants "breaks stereotypes about Asian-Americans, especially in the entertainment industry."

Tam does not mention those distinctions in his brief to the court, and he declined to be interviewed.

In the Slants case, the U.S. Court of Appeals for the Federal Circuit ruled in December that the First Amendment pro-

jects "even hurtful speech that harms members of oft-stigmatized communities."

"The First Amendment forbids government regulators to deny registration because they find the speech likely to offend others," Judge Kimberly Moore said for the majority.

The administration argues that the law does not restrict speech because the band is still free to use the name even without trademark protection. The law "simply reflects Congress' judgment that the federal government should not affirmatively promote the use of racial slurs and other disparaging terms by granting the benefits of registration," the government said.

Jeremy Sheff, a professor at St. John's University School of Law who specializes in intellectual property, said the Supreme Court could be interested in the cases because it has been "pretty aggressive" in protecting First Amendment speech — even remarks considered highly offensive.

Just how much sugar do Americans consume? Answer is complicated

Less soda pop consumption a factor in drop

By CANDICE CHOI
AP Food Industry Writer

NEW YORK — Sugar has become the nutritional villain du jour, but just how bad is our addiction? The answer is tricky.

Philadelphia recently passed a tax on sugary drinks, several other places have proposed them, and the government this year recommended we limit our intake of added sugars to 10 percent of daily calories, underscoring how significant elected officials believe the problem is. But while determining exactly how much sugar we're consuming is a complicated business — government figures are estimates — the data and industry trends indicate we've actually made progress in cutting back.

On average, Americans' total consumption of caloric sweeteners like refined cane sugar and high-fructose corn syrup is down 15 percent from its peak in 1999, according to government data. That's when we consumed an average of 111 grams of sugar a day (423 calories).

After plateauing in recent years, consumption was down to 94 grams a day (358 calories) last year, according to the U.S. Department of Agriculture, which calculates the figures by estimating how much of the caloric sweeteners produced are never eaten. But that level is still higher than the 87 grams Americans consumed on average in 1970.

There's always room for "improvement and refinement" in making food consumption estimates, said Michael McConnell, an agriculture economist who specializes in sweeteners at the USDA. But he said the change in methodology was applied retroactively, so any trend the numbers show would still be consistent. Even if the numbers are inexact, others agree the downward trajectory in sweeteners makes sense.

Soda drop

A major factor for the drop appears to be the decline in soda consumption, as the high-fructose corn syrup used to sweeten drinks like Sprite and Mountain Dew has been on the decline.

Thomas Farley, the health commissioner in Philadelphia, said it could take many years before the positive effects from the reductions in soda consumption to turn up in health data. But he also noted that factors like the growth in snacking, the availability of food in more places, and oversized restaurant dishes can fuel obesity.

"Sugar is a problem, but sugar is not the only problem," Farley said.

And though it's lower, sweetener consumption of 94 grams a day is still the equivalent of roughly two and half cans of Coke. That far exceeds the government's recommendation to limit added sugar to around 50 grams a day (200 calories) for someone on a 2,000-calorie diet.

Notably, a per capita consumption figure doesn't account for the wide disparities in intake among individuals. The way the USDA estimates sweetener consumption also means the specific figure could be higher or lower. The agency changed its methodology in 2012, which meant a sharp reduction in how much sugar it said we consume. Emails obtained by the Center for Science in the Public Interest, which supports soda taxes, show that a sugar industry group wanted the change and hoped for "as low a per capita sweetener consumption estimate as possible."

There's always room for "improvement and refinement" in making food consumption estimates, said Michael McConnell, an agriculture economist who specializes in sweeteners at the USDA. But he said the change in methodology was applied retroactively, so any trend the numbers show would still be consistent. Even if the numbers are inexact, others agree the downward trajectory in sweeteners makes sense.



The Providence Hood & Portland To Coast Relays, would like to thank the wonderful community of Seaside and Clatsop County residents for partnering with us on the largest relay race in the world! You are all truly amazing people!

HERE'S A RECAP OF THE EVENT YOU SO GRACIOUSLY HOST

- Thank you so much Seaside Chamber of Commerce for creating one heck of a beer garden!
- More than \$600,000 was fundraised, which benefits Providence Cancer Center and their continuous efforts to find a cure for cancer.
- Thanks to the Clatsop County cleanup crew for helping make the roads as clean as they were before the race.
- \$18,000 was again donated to Seaside Parks and Recreation.
- Thank you Seaside, for supporting the race for 27 years in your community!
- Special thanks to all the amazing charities on course; runners and walkers loved everything you provided, and we hope you continue to raise money for your charities in future years.
- As we cannot reach every individual who participated in making this event a success, we want to say THANK YOU SEASIDE, YOU ARE THE BEST!

With more than 60,000 individuals visiting Seaside for The Hood and Portland To Coast Relays, (many for the first time), this visit represents a first impression to a captive audience that very often leads to future visits for these individuals and their families. This is an economic impact that goes beyond measure and one that can very often be a lifelong development of future memories in your town. Looking forward to seeing you all in 2017!

hoodto coast.com

