



## Canadian Council of Herbalist Associations (CCHA)

Statement of Support for the Free Fire Cider Movement in Canada, January 16, 2020

The Canadian Council of Herbalist Associations (CCHA) is a not for profit organization representing associations of herbal practitioners that unifies, promotes and serves herbal practitioners through active communication with government, the public, and between all herbalist associations in Canada.

The CCHA's primary goal is to have herbal practitioners recognized as the experts on herbal medicine in Canada and facilitate unity among Associations of herbal practitioners, in doing so providing a forum to further the practice of herbal medicine by herbal practitioners in Canada and guide member Associations in setting standards (education, practice, ethics, etc.).

Although the CCHA has not previously adopted positions regarding intellectual property in general, we oppose the granting of a Canadian trademark to an American Company for the term Fire Cider, clearly a traditional herbal recipe. As part of the Canadian herbal community we are deeply concerned by the granting of a trademark on a traditional herbal preparation which clearly predates any single company's product. The CCHA supports initiatives taken to reverse this trademark and protect generic herbal terms within the public domain.

In November, 2017, an American company applied for a Canadian Trademark of Fire Cider. Since that time and after a 9 day trial and lengthy effort by many committed individuals the ongoing legal battles in the United States finally reached a successful conclusion!! In the United States, Judge Mastroianni of Springfield, MA federal court has determined in a 40-page decision that **fire cider is a generic term**!! While ruling in the United States does not transfer to Canada, we urge the Government of Canada Trademark Office to revoke the trademark and grant Fire Cider generic status.

At the same time we call upon companies to recognize that Fire Cider predates any sole product development. Considering the precedence set in the United States, we urge this company to voluntarily cancel their Canadian trademark. If proceeding to trademark a product, we urge

companies to consider and respect long established herbal traditions and practices which ensure that herbal medicines are available and accessible to everyone.

In addition we are deeply concerned about the legal actions taken by the company against American small herbal companies and individuals using the term Fire Cider and what this means for traditional herbal medicines in the future in Canada and throughout the world.

Lastly the CCHA stands firmly with the herbal community in believing that traditional herbal preparations, blends, names and recipes should be available freely to all, and that no trademark or other exclusive right, commercial or otherwise, should be granted to any company or individual for a traditional or historically generic term or preparation.

Further resources: Free Fire Cider Contact: [freefirecidercanada@gmail.com](mailto:freefirecidercanada@gmail.com)

Website:

[www.traditionnottrademark.ca](http://www.traditionnottrademark.ca)

Instagram:

[https://www.instagram.com/herbal\\_tnt/](https://www.instagram.com/herbal_tnt/)

FB:

<https://www.facebook.com/traditionnottrademark/>

Twitter:

[https://twitter.com/herbal\\_tnt](https://twitter.com/herbal_tnt)

A Free Fire Cider Canada group is actively disputing the trademark and currently circulating a petition:

[https://www.change.org/p/fire-cider-canada-tradition-not-trade-mark-we-are-all-fired-up?recruiter=1014701359&recruited\\_by\\_id=05afcf0-fb59-11e9-a5bc-ef640ab9e253&utm\\_source=share\\_petition&utm\\_medium=copylink&utm\\_campaign=petition\\_dashboard](https://www.change.org/p/fire-cider-canada-tradition-not-trade-mark-we-are-all-fired-up?recruiter=1014701359&recruited_by_id=05afcf0-fb59-11e9-a5bc-ef640ab9e253&utm_source=share_petition&utm_medium=copylink&utm_campaign=petition_dashboard)