

A simple blend of pungent, hot herbs in a base of apple cider vinegar doesn't sound like too much to get excited about. Yet, this cold-fighting concoction has created a controversy that has the herbal world in a hot temper. Fire Cider is in danger and on March 25th the defenders of herbal tradition and the owners of a questionable trademark are going to court.

Fire Cider History



I first learned about Fire Cider when I began her herbal studies back in 2007/8. It didn't sound all that appealing (hot herbs and vinegar taken as a spicy drink to stave off cold and flu season) so we didn't think much of it, choosing to focus on milder tasting brews and recipes.

Fire Cider came back into our radar in 2015 when Tradition Not Trademark movement called for herbalists to prove that this was a generic term. I didn't use this recipe so I, again, didn't think much of it.

When I joined an essential oils MLM in 2017, I learned that Young Living Trademarked the term Thieves/Four Thieves and how hard this affected herbalists who had been making Four Thieves

blends for years and now had to change their product names which results in financial issues for many. When looking into this (and leaving the MLM) I rediscovered the Fire Cider controversy again. This time we paid attention.

In short, what had happened was Shire City Herbals trademarked the term Fire Cider. Companies and herbalists effected by the trademark (anyone that sold Fire Cider wholesale or on national online stores like Etsy) had to change their product names or deal with legal repercussions that could include losing their online stores and lawsuits.

“In April of 2015, Shire City Herbals sued 3 herbalists, 2 of whom are founders of Traditions not Trademark, senior users of the term and the very people that filed the cancellation of the trademark, Nicole Telkes & Mary Blue. They also included in the lawsuit national distributor of Fire Cider, Kathi Langelier of Herbal Revolution (who, in 2014, had already changed her Fire Cider product name to Fire Tonic to avoid trademark a trademark infringement lawsuit). The defendants of the case and have become known as the “Fire Cider 3”. [Click here for more info on this lawsuit.](#) This lawsuit effectively stalled Tradition Not Trademarks petition to cancel the Fire Cider trademark for the last 3 years and forcing it to be heard in federal court (where it is more expensive and time consuming).”

[~Free Fire Cider](#)

Shire City Response

My first question when I heard about the trademark was why didn't they trademark Shire Cider instead (wouldn't that be a much catchier and cuter name anyways?)

We didn't want to share about the Fire Cider Controversy without looking into what Shire City had to say about the situation. We found [a blog post in January 2014 about the situation](#) and read through it and the comments.

A few key things stood out to us in the post and comments.

“We trademarked the phrase with the intention of protecting our business from bigger players in the natural foods industry, not to persecute folks making home remedies and selling their remedies on a small scale. We sincerely apologize for the confusion and fear this has created.”
“So, what can we do? How can we safeguard the traditional use of the phrase fire cider, while at the same time protecting the businesses we have all worked to build? We need to consult with some professionals to figure out our options.”(this was in 2014 so their desires to figure our their options must not have turned out for the better of the herbal community...)

Dana from the company claims to have invented her recipe from fire cider using a hot herbal honey blend she learned from her grandmother and adding vinegar. The term Fire Cider she got from a roommate she doesn't name. She doesn't give a date for this but they started selling Fire Cider at festivals in 2010.

“while giving out samples at a coop in Albany, we were approached by a trademark attorney. He specializes in helping small-scale food and wellness businesses navigate and use the dense legal framework. He was a huge fan of Fire Cider and asked several questions about our product, business and future plans. He remarked that our product was unlike anything he’d ever heard of. We were creating a new market, and we were perfect candidates for a trademark.”

“When we started our business, we could find no other company making and selling a commercial product called Fire Cider. The federal government could not find any either, and so we received our trademark like thousands of other business doing their due diligence to safeguard their work.” (A simple Google search at this time would have turned up Rosemary Gladstar’s book as well as MANY other herbalists selling Fire Cider) “no other COMMERCIAL business. I know there have been lots of folks for hundreds of years making their version, including our grammas. These folks are flying under the radar as they are not registered as a business with the government and that is what gets searched for trademark, not google! “

“none of us are herbalists, none of us went to herb school and none of us, since we are not herbalists, nor have we ever called ourselves herbalists, had heard of Rosemary Gladstar until after we had started selling our version of Fire Cider. Fire Cider is, after all, a centuries old tonic that comes from all over the world, and has some roots in New England, where we all grew up.” (This felt so pointed. No they are NOT herbalists and it seems as though Shire City Herbals doesn’t have much interest in protecting or helping the herbal community. They are indeed capitalists and that can be seen on their site with blog posts like [“You’re Not a Billboard”](#) where they state “one thing that hasn’t changed is our love of good merch!”)

They end many of their comments that its up for the US Government to decide where this goes from here – so much for wanting to look for ways to help everyone and safeguard tradition.

Tradition Not Trademark on Shaky Ground

One comment on the Shire City blog post from someone called Parsley shared some information that does raise an eyebrow for some.

“Have you heard that Pregnancy is trademarked? PMS® and Women’s Liberty® are also trademarked. The word Traditionals® is trademarked too. And so is Traditional Herbals®. Aren’t you outraged about these trademarks and the trademarking of ALL of Traditional Herbals®?! What kind of greedy corporate monster would do such a thing? Shouldn’t we we be working to Free Traditional Herbals and Women’s Liberty from trademark restriction?

Perhaps your lack of outrage is because you already know – Traditional Medicinals® has been trademarked as a brand name since Rosemary Gladstar started the company in the early 1970’s and they own the trademark for their name and ALL of the trademarks I just mentioned, and many more-

<https://trademarks.justia.com/owners/traditional-medicinals-inc-282016/index.html>

<http://www.traditionalmedicinals.com/our-story/#8221;>

“Why are people in this community attacking each other and trying to destroy other people’s businesses over a trademark when everyone has one and even Rosemary thinks that all businesses need trademarks?”

“I didn’t own the company (Traditional Medicinals) when the names were trademarked. I founded the company in 1972 and formulated the original blends.....But I am proud to see that’s its grown into the company it has because in spite of the trademarks (which every mid size and up and even several small herbal business’s do) has maintained an incredible ethics in the business world. They treat and pay their employees well and several employees who I knew in the 70’s still work for the company, all of the packaging is recycled, they use only solar and they support endless educational ventures, women’s corporates worldwide, etc etc. ” Rosemary Gladstar

So, “EVERY mid size and up and even several small herbal business” have trademarks? But this movement called Tradition NOT Trademark?? This is a confusing explanation. It seems to me like Rosemary and Traditional Medicinals have a lot in common with the Shire Company – you all seem invested in sustainability, provide what look like top quality organic herbal medicine to people all over, have trademarks to protect your business endeavors, say you treat and pay employees well and seem generally awesome! Why aren’t you all working together? It seems like you could get a lot more positive things done together, than fighting over a trademark that’s already 4 or 5 years old.”

My Thoughts on Fire Cider and Tradition Not Trademark

I’ve seen what happens when a generic recipe is trademarked twice now – Four Thieves and Fire Cider. Both trademarking companies feel set in their rights to do so and came from a place of wanting to protect their investments in their companies and products.

Young Living trademarked Thieves when they had issues with doTerra using similar or the same products and names in their business.

Shire City trademarked Fire Cider supposedly to protect it from being snatched up by bigger companies like Kraft and P&G.

In both cases, smaller businesses were forced to put money in to label and name changes, educating their customers that they change didn’t mean a lessening of their recipe or quality, etc. This is how capitalism works.

Shire City admits that their trademark has its limits. It can’t stop the term Fire Cider from being used in books, courses, workshops, or small batch sales locally. I believe folk herbalists should take advantage of that and not let Fire Cider term become a specific product but remain a traditional term no matter the results of the March court case.

Education is the only weapon against oppression even in small situations (small in the grand scheme of global atrocities). This trademark on Fire Cider was made out of fear. If we are afraid of a precedent that will cost us the loss of other traditional terms, the best thing to do is make them so well known and generic that the US government has no choice but to admit to their common usage and inability to trademark.

Do I think that people who trademark or participate in capitalism are evil?

No. They're just people.

I have a business as well because I believe people should pursue their passions and, in this life, we need money for things as that is how our economy is set up (you let me know when the mortgage can be paid by bartering salve, thanks).

Some things, like domain registration, are necessary for the online business world.

Does that mean I should police the term Green Witch or Apothecary when others use it? Hell no.

I will support the Free Fire Cider movement, not necessarily for the herbalists behind it but for future generations. You can support them too – check out the ways at FreeFireCider.com.

Our family's fire cider recipe is quick and easy, using ingredients from the grocery store produce aisle or the garden and a base of organic apple cider vinegar.

- 1 small hand of ginger
- 1 lemon
- 1 head of garlic
- 1 serrano pepper (or chili, or jalepeno)
- Onions

Many will grate the peel off the onion then juice it for their fire cider. We keep it simple by thinly slicing the lemon and dropping the slices into the quart jar as is.

Peel the garlic and slice thinly, adding them to the jar as well.

When it comes to the pepper, you can leave the seeds or not and you can thinly slice or just halve. It all depends on how spicy you want the Fire Cider to be. We took out the seeds and sliced.

Peel the garlic and drop in the cloves (again, depending on how pungent you want the cider to be, you can mince or slice).

Top the whole thing off with apple cider vinegar. Let set for 4-6 weeks then strain.

Now you can turn the Fire Cider into an oxymel by adding local, raw honey OR you can mix a little with oil and make an amazing salad dressing OR you can add to recipes calling for vinegar...or take a shot as is when you want to stave off a cold or allergies.

