

Strictly Symbolic

By Reg P. Wydeven
July 22, 2018

In law school, one of my best friends and roommates was Carl. He is originally from Virginia and got his undergraduate degree from UVA. Throughout law school, we obviously had many intense discussions over which collegiate athletic conference was superior – the Big Ten (clearly) or the ACC.

Carl is very proud of his roots and would consistently remind us his state's slogan is "Virginia is for Lovers." The slogan has been promoting tourism in Virginia for nearly half a century. But a Richmond-based business's recent twist on the motto has garnered lots of attention.

Recovered Gold LLC, an online retailer, began using the phrase "Virginia is for Gun Lovers" on its website and Facebook page, as well as in connection with merchandise sales. Because the use was unauthorized, the Virginia Tourism Authority sent the company numerous cease and desist requests, but to no avail. So in May, the Authority sued the company in federal court, alleging trademark infringement and unfair competition.

According to the suit, Recovered Gold's actions "have deceived and caused confusion among the relevant purchasing public" and that the public is likely to believe the business's products are connected or affiliated with the state.

While he was proud of his Virginian heritage, Carl embraced Wisconsin and made it his home and is a brilliant corporate attorney practicing in Madison. So he is now a resident of America's Dairyland, which is our state slogan. Like in Virginia, the Wisconsin legislature actually passed a law to adopt its slogan. Dairy farming really took off in Wisconsin in the late 19th century and by World War I, we ranked first in the nation in dairy production. So in 1940, the state adopted its slogan and put it on license plates.

The adoption of official state symbols is believed to have originated at the Chicago World's Fair in 1893. To commemorate the event, the Women's Congress assembled what was known as the "National Garland of Flowers," which featured a different flower to represent each of the states. They asked the states to submit their flower and have their legislature adopt it. Wisconsin didn't make anything official for another 15 years. In 1908, the wood violet received the most votes by school children and the state adopted it on Arbor Day in 1909.

While dairying exploded in the late 1800s, mining was huge in the early part of the century. These miners were hard-working and tenacious and spent most of the day underground, earning the nickname of badgers, their subterranean counterparts. So while Wisconsin became known as the Badger State, it wasn't the official state animal until a law was passed in 1957.

By then, though, state symbols were directly tied to tourism, like in Virginia. Many people felt the state animal should be the white-tailed deer. As a compromise, the deer was recognized as the state wildlife animal.

In addition to our flag and seal, Wisconsin actually has numerous other officially adopted state symbols, including: domesticated animal (dairy cow), motto ('Forward'), song ('On Wisconsin!'), bird (robin), tree (sugar maple), fish (muskie), insect (honey bee), dog (American Water Spaniel), beverage (milk), grain (corn), fruit (cranberry), pastry (kringle), and dance (polka). We even have a state mineral, rock, soil, fossil, tartan, symbol of peace and waltz.

Because tens-of-thousands of cream puffs are sold at the State Fair each year, a bill was introduced in 2011 to name the treat as the official state dessert, but it was not adopted. That may be for the best, for I wonder what the early 1800s miners would think of Wisconsin being known as "The Cream Puff State."

This article originally appeared in the Appleton Post-Crescent newspaper and is reprinted with the permission of Gannett Co., Inc. © 2018 McCarty Law LLP. All rights reserved.