

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WM. WRIGLEY JR. COMPANY, a Delaware
corporation,

Plaintiff,

v.

TERPHOGZ, LLC, a California limited
liability company, and JOHN DOES 1-5,

Defendants.

Case No. 21-CV-02357

Judge

COMPLAINT

Plaintiff Wm. Wrigley Jr. Company (“Wrigley”) alleges the following for its Complaint against Defendant Terphogz, LLC (“Terphogz”) and Defendants John Does 1-5 (“Doe Defendants”) (collectively, “Defendants”).

PRELIMINARY STATEMENT

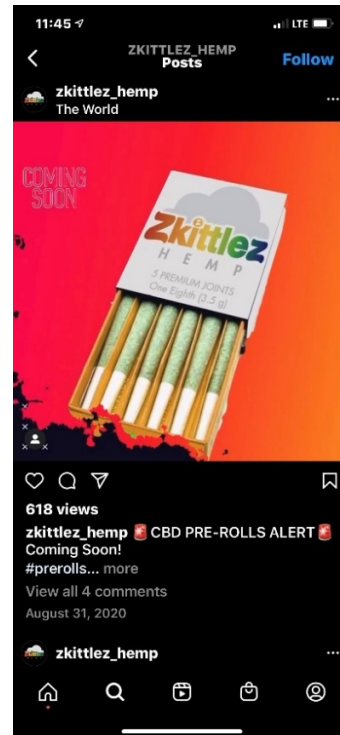
1. Founded in 1891 in Chicago, Illinois, Wrigley is a leading candy manufacturer and owns the iconic SKITTLES brand for the fruit-flavored candy. Wrigley has invested nearly 50 years and hundreds of millions of dollars carefully cultivating the goodwill symbolized by the SKITTLES mark. More than a generation ago, Wrigley launched an advertising campaign for SKITTLES featuring the slogan TASTE THE RAINBOW. That campaign has become one of the longest-running, most successful campaigns in the history of advertising. Today, SKITTLES candy, each piece bearing the familiar S logo, is the best-selling, non-chocolate candy in the country, and the tagline TASTE THE RAINBOW is synonymous with SKITTLES. Packaging and advertising featuring Wrigley’s SKITTLES mark, TASTE THE RAINBOW slogan, and S logo

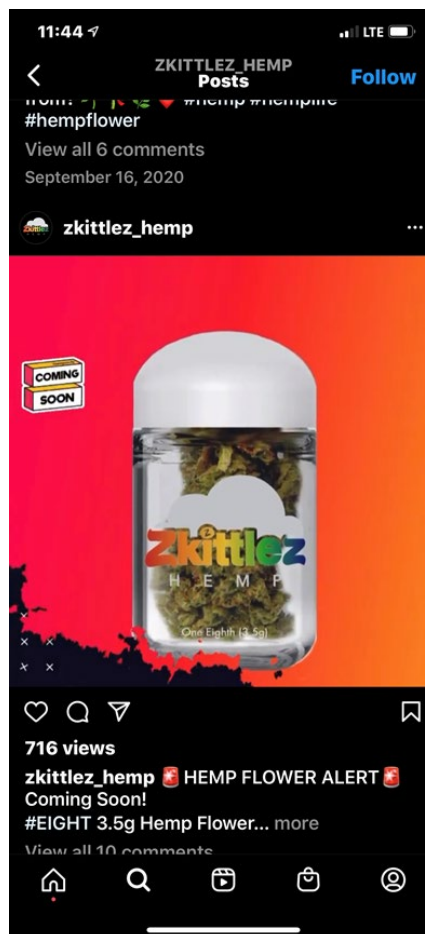
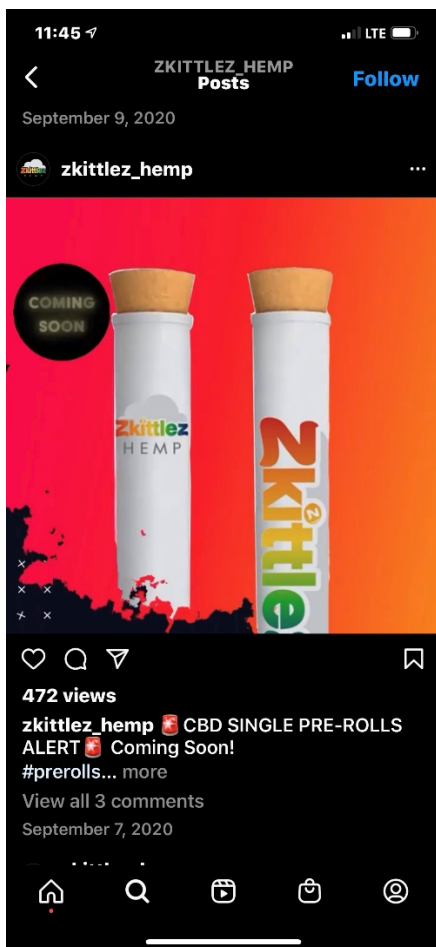
are shown below (collectively, this mark, slogan, and logo are referred to as the “SKITTLES Marks”):



2. Terphogz is in the business of selling cannabis, drug paraphernalia, and promotional merchandise. Rather than create its own brand architecture, Terphogz simply helped itself to Wrigley’s famous SKITTLES Marks, picking “ZKITTLEZ” as the name of its drugs, knocking off Wrigley’s federally registered TASTE THE RAINBOW slogan, and even copying Wrigley’s S logo. See Exhibit A. Some of Terphogz’s goods are depicted below:







3. Terphogz's freewheeling use of Wrigley's SKITTLES Marks has been enormously successful. Because ZKITTLEZ goods command a 20% premium in the market, Terphogz has reaped enormous profits. But those ill-gotten gains have come both at the expense of the public which believes that Wrigley approves the ZKITTLEZ goods being peddled by Terphogz and at the expense of Wrigley which has lost control over the reputation of its SKITTLES Marks.

4. Unscrupulous companies like Terphogz who push drugs and drug paraphernalia using trademarks belonging to confectionery companies pose a danger to children. Illinois recently was forced to enact legislation prohibiting cannabis companies from disseminating advertising or packaging for cannabis or cannabis-related products that imitates candy labeling or packaging. *See* 410 Ill. Comp. Stat. 705/55-20 – 55-21.

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