

Seasoning Maker Swamp Dust LLC Files Trademark Complaint Against Competitor Cajun Wholesale

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On September 2, 2014, LaGrange, Georgia-based company **Swamp Dust, LLC** filed a complaint against Louisiana-based **Cajun Wholesale Distributing, Inc.** and its director Ritchie Allen Romero (collectively, the “Defendants”) alleging trademark infringement, false designation of origin and unfair competition arising under the Federal Trademark Act (“the Lanham Act”) and under state and common law.



According to the complaint, Ken and Sharon Teal, the owners of Swamp Dust, LLC, first conceived of the name for and first sold “Swamp Dust” seasoning as early as 1980. Still according to the complaint, “Swamp Dust” seasoning has been continuously sold in Georgia and Florida since at least as early as 1996, and the internet domain “swampdust.com” has been owned and operated by Ken Teal and/or Swamp Dust, LLC since 2005. A sample “Swamp Dust” brand seasoning product is depicted to the right.

On February 16, 2006, Sharon Teal filed an application to federally register “SWAMP DUST” for use in connection with “seasonings.” This application matured into Registration No. 3,753,360.

According to the complaint, the Defendants are engaged in the manufacture, distribution and/or sale, both in Georgia and elsewhere, of various competing food products, including seasonings, that use the words “swamp dust” as part of the product labeling. One such product bearing the “Swamp

Dust” mark is depicted to the left.



The complaint alleges Defendants’ unauthorized use of “Swamp Dust” is likely to cause confusion, deception, and/or mistake by creating the false and misleading impression that Defendants’ goods are manufactured or distributed by Swamp Dust, or are associated or connected with Swamp Dust, or have the sponsorship, endorsement, or approval of Swamp Dust.

The complaint alleges bad faith, and an intentional and willful intent to mislead, deceive or confuse the public. Swamp Dust, LLC seeks a permanent injunction, surrender of all products bearing the “Swamp Dust” mark, treble damages, punitive damages, attorney’s fees, and costs.

The case is Swamp Dust, LLC. v. Cajun Wholesale Distributing, Inc. et al, Case no. 3:14-cv-00140-TCB in the United States District Court for the Northern District of Georgia, Newnan Division, and is assigned to Judge Timothy C. Batten, Sr..

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