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## SOUTH FLORIDA THE BUSINESS JOURNAL

### LATEST NEWS

February 13, 2004

#### Counterfeit flowers stopped

During the last shipping days before Valentine's Day, a floral distributor said, working with the Department of Homeland Security, it has seized counterfeit roses headed to consumers via the Port of Miami.

The E.G. Hill Co. and Hills Floral Group said the illegal shipments were intercepted as they moved from Colombia and Ecuador.

"The roses were illegally grown and illegally shipped to the United States in violation of E.G. Hill Co.'s nationally and internationally protected intellectual property rights," the company said.

Attorney Jennifer Whitelaw of the intellectual property firm Whitelaw Legal Group in Naples represented the Hills companies.

Whitelaw said plants are assets and innovations are protected and encouraged by patent and trademark laws around the world.

"A plant, its look, its properties, its very genetic composition, may be protected by a patent," she said, adding a plant also may be distinguished by a brand name or trademark.

When a protected plant is grown and sold without permission of the intellectual property owner, which Whitelaw said it usually the plant's breeder, the plant is illegal.

Peter Quinter, partner in charge of the customs and international trade department at the Fort Lauderdale law firm of Becker & Poliakoff, also worked on the case. He called the operation one for the record books.

So far, the U.S. Customs department has confirmed seizing 79 boxes. Whitelaw, calling the capture a nice interception, said the average is 400 roses per box.

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