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Cool Justice

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Goliath Helps Steakways In Tiff

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What retail business would turn away free outside help that spurs customers to drive 40 miles for a taste of the product?

Upstart Steakways of Milford, a family sandwich shop focusing on beef, pork and chicken, can thank the international behemoth SUBWAY for generating interest and new customers. SUBWAY, meanwhile, appears to have confused its own position in the market by groveling in turf where no war existed. Seems to me the legal department has too much free time on its hands.

The brouhaha began last month when the SUBWAY legal department sent a cease and desist letter to Steakways. "Steakways," corporate attorney Valerie Pochron wrote, "is confusingly similar to ... SUBWAY ... and maybe [sic]" a trademark infringement.

The wires picked up the story. Out-of-town customers poured into Steakways, some saying they drove scores of miles to try sandwiches including Philly Steak. One patron told a TV news crew he doesn't eat at SUBWAY because they don't serve real food. "This," he said, "is real food," pointing to a Steakways sandwich.

"I'm getting a lot of activity on this," said Brian Bowser, who launched Steakways with his father. "I can't understand how this is a threat to 2,600 stores in 81 countries."

Indeed, marketing experts say SUBWAY stepped in it big time with a bonehead move.

"SUBWAY couldn't have been a better advocate for more business for Steakways," said Michael London, a Trumbull-based marketing and public relations consultant. "It would have been nearly impossible for a small business like Steakways to get national media attention. SUBWAY made it happen. It would have been smarter for SUBWAY to ignore this business. No one would have cared."

Curious about this strategy, I called the SUBWAY legal department. My questions included: Who's confused about SUBWAY v. Steakways? What surveys have you taken? Who made the decision for the cease and desist order?

Does Fred DeLuca, the SUBWAY founder, know about this? Do you know how much business you have been generating for Steakways?

Pochron, the corporate attorney, said she could not talk.

Kevin Kane, SUBWAY's public relations manager, said he did not know who might be confused about SUBWAY v. Steakways, but vowed: "I'll find out."

"We want to make sure no one is confused," Kane said. "I don't know if Fred DeLuca knows about this. I think he has a trust that we'll take care of what we find."

How do you spell misplaced trust? Try c-e-a-s-e a-n-d d-e-s-i-s-t.

The Bowser family, meanwhile, plans to open a second Steakways restaurant in Bridgeport. Their lawyer, Seth Cohen of Milford, said an informal survey of about 50 consumers left him confident the restaurant names aren't confusing anyone. "SUBWAY," he said, "seems to be saying, 'We don't want you in our back yard.' "

In case the SUBWAY legal department ever catches up with its massive workload, I have some new assignments to keep them busy:

Who said, "I am the way, no one comes to the 12-inch cheese steak but by me?"

Name that tune: "Sandwiches, I've had a few, but too few to mention..."

What happens when I drive into a SUBWAY when I was looking for a SAFEWAY food store and I can't find what I need and my kids go hungry?

Hey, Fred, who's minding the store? Tell your goobers to cease and desist this.

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