

TURKISH
AMERICAN T A L D F
LEGAL DEFENSE FUND

April 7, 2009

Mr. Mark D. Ketchum
President & Chief Executive Officer
Newell Rubbermaid Inc.
3 Glenlake Parkway
Atlanta, Georgia 30328

Re: "Turks Head Toilet Bowl Brush"

Dear Mr. Ketchum and Members of the Board of Directors:

We call to your attention the wholesale and retail trade description of a toilet cleaning brush manufactured by Newell Rubbermaid Inc. (Newell) that is derogatory and insulting to Turkish Americans. Wholesalers and retailers market Newell's brush as a "Turks Head Toilet Bowl Brush." This description evokes an image highly unflattering to any person who may consider him or herself a Turk. The slur is not subtle: a toilet bowl brush being named after any race or ethnicity ought to be considered insulting.

At the Rubbermaid Commercial Products website the brush is referred to neutrally as "Item No. 6320" and described as a, "Toilet Bowl Brush, Plastic Handle, Polypropylene Fill." Yet a Google search for "Rubbermaid Turks Head Toilet Bowl Brush" returns *several hundred* references to this item by that offensive description, while referring to Item 6320. These references are largely at the websites of wholesalers and retailers which distribute Newell products.

We do not know whether your wholesalers and retailers are acting from ignorance, indifference, malice, or otherwise. And whenever the industry terminology originated, it is not acceptable. We do know that whatever the motivation or longevity, the "Turks Head Toilet Bowl Brush" terminology is uniformly infuriating and hurtful to Turkish Americans, and encourages ethnic prejudices and bigotries that ill-serve our diverse and democratic society.

At this time, we think it unnecessary to opine on whether the First Amendment would protect an ethnic slur used in a commercial setting. Yet the "Turks Head" reference likely falls into a category of expression identified by the United States Supreme Court in *Chaplinsky v. New Hampshire* (1942) as "utterances [that] are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality." Commercial speech

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commands far less constitutional protection than the political variety. See e.g., *Central Hudson Gas & Electric Corp. v. Public Service Commission of New York* (1980).

Accordingly, we strongly urge you to take the necessary and proper steps to insure that wholesalers and retailers of Newell's products immediately cease use of the toilet bowl brush terminology offensive to Turkish Americans and Turks generally. We request that you cause these wholesalers and retailers to remove all "Turks Head" references for Item 6320 from their websites and any other promotional materials and prevent such references from reappearing in the future.

We would be grateful if you would alert us as to how you propose to proceed at your earliest convenience. Should you wish, we, along with a group of Turkish Americans from the Atlanta area would be glad to visit you or one of your appointees to further explain the sensitivities involved.

Sincerely,

Bruce Fein

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