NewLife Nutrition offers sensible ideas for healthy lifestyles

NewLife Nutrition is the Tahoe-Reno area's newest solution to living a healthy lifestyle. The business is all about helping residents of all shapes and sizes improve overall health via tasty food and simple lifestyle changes.

Amber Wilson, a registered dietitian, observes that many diet and weight loss programs are a quick fix that causes unwanted relapses after weeks or months, and recommends the long-term solution to living healthier comes through simple changes in lifestyle.

"I've noticed too many individuals whose expectations were not met after trying a nutrition or weight-loss program due to the quick-fix nature that many programs live by," Wilson said in a press release. "Also, many programs completely restrict foods that can and should be included in one's diet to prevent over indulging, or that may even have positive health benefits in moderation such as wine and chocolate."



Amber Wilson recently opened NewLife Nutrition in Tahoe.

NewLife Nutrition's opening is timely with September representing National Whole Grains Month. Throughout September, Wilson will post a new recipe on her blog each Monday, Wednesday and Friday that focuses on using a whole grain. People are encouraged to submit recipe ideas and interests to Wilson at a.wilson@new-life-nutrition.com.

"I'm passionate about healthy living, and want to show people that eating well can be fun and simple," Wilson says. "Much of our society connects healthy eating to meals that lack taste and require too much prep time. I hope my recipe ideas will encourage people to eat better and become creative in the kitchen."

NewLife Nutrition has two additional business divisions – NewBaby Nutrition and NewlyWed Nutrition – which offer specific programs and services to assist pregnant women, children, and engaged or married couples create healthy and nutritious living habits for optimal health.

Wilson's consulting approach is tailored to the convenience of her clients. Home, phone and web consultations are available. For more information, click here.

Keep Tahoe Litigated may be future League bumper sticker

By Joann Eisenbrandt

"Keep Tahoe Blue." Locals and tourists see it everywhere – attached to the wrinkled bumpers of aging Subarus and the shiny chrome of sleek BMWs. Even on poster-pocked telephone poles. It's a call to environmental action, a bumper sticker,

a domain name, and the registered trademark of the League to Save Lake Tahoe.



The League, a private nonprofit membership organization formed in the late 1950s, has, according to its website, "advocated for strong protection of the Tahoe basin's natural resources and the restoration of its famed clear water … the League established itself as the primary watchdog of the Tahoe basin."

The watchdog is showing its teeth.

In July, Chris Minnes, former general manager of 968 Park Hotel near Stateline and a bodybuilding and fitness professional, opened a South Shore fitness and age-management business named Keep Tahoe Fit. In mid-July, the League sent him a letter stating the use of Keep Tahoe Fit as a business name, in his logo, as his domain name, and on a Facebook page constituted trademark infringement.

In that letter, Rochelle Alpert of Morgan, Lewis & Bockius LLP, the San Francisco legal firm which represents the League in trademark matters, states Minnes' "use of the name, domain name and your copycat use of the KEEP TAHOE BLUE© design mark and bumper sticker for your logo constitutes plain intentional trademark infringement, dilution and unfair competition." The letter demands that he, "stop all use of the name, domain name and logo immediately, and agree in writing not to use any confusingly similar name, domain, name, mark or logo in the future."

There is no dispute over whether the League "owns" the easily-recognized "Keep Tahoe Blue" trademark. They registered it with the U.S. Patent and Trademark Office years ago. The issue is whether Minnes has infringed on the rights given the League by that registration by using the words "Keep Tahoe Fit."

Minnes believes he has not. "As you can see on my website, there are dozens of variations of Keep Tahoe Blue. It's like

Delta Faucet and Delta Airlines – they are such different businesses that an intelligent consumer isn't going to confuse them. They also wouldn't confuse Keep Tahoe Fit with Keep Tahoe Blue. And there's such a precedent of people using that sticker."

According to the U.S. Patent and Trademark Office, "A trademark is a word, name, symbol or device which is used in trade with goods to indicate the source of the goods and to distinguish them from the goods of others." Businesses obtain trademarks through a slow, detailed process, proving to the Patent and Trademark Office their name and identifying marks are truly unique. A firm does not have to "trademark" its name to do business, but once it has, those specific characteristics are protected by law from "infringement" by others.

Trademark law is complex – and is outlined in pages of technical language in the Lanham Act, also known as the Trademark Act of 1946 (ch. 540, 60 Stat. 427 (15 U.S.C. 1051 et seq.). Under that law, infringement occurs when another person, "shall, without the consent of the registrant– (a) use in commerce any reproduction, counterfeit, copy, or colorable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive." (15 U.S.C. § 1114).

The Berkman Center for Internet Society at Harvard University puts it into layman's terms: "The standard is 'likelihood of confusion.'" In other words, will someone mistakenly assume Keep Tahoe Fit is associated with or sponsored by the League? To determine this, the courts weigh a number of factors such as "the strength of the mark, the proximity of the goods, the similarity of the marks, evidence of actual confusion, the similarity of marketing channels, the degree of caution exercised by the typical consumer and the defendant's intent."

Minnes chose Keep Tahoe Fit because, “It has a great ring to it. No, I didn’t expect a problem.” Using Tahoe in the name reflects the fact that a connection to Tahoe is central to his business. “It’s essentially a personal training business, but it is oriented to the Lake Tahoe resident, with sports-specific training and an understanding of how a Tahoe person thinks.”

Minnes has not attempted to trademark Keep Tahoe Fit, citing the cost and lengthy process as reasons. He has not produced any business collateral for sale, such as shirts, bumper stickers or other logo products.

Minnes recently changed his original logo, replacing the image of the lake with a woman running.

“They seem to think they own the image of the lake,” he said.

The League had also complained to Facebook about the Keep Tahoe Fit page. It was taken it down, but it was later reinstated.

As for the League’s other demands, “I think they are wildly unfair. Why go after me after years of people using versions of the sticker, without going after everyone? I can’t imagine someone who is supposed to be a steward of Lake Tahoe attacking local businesses. I have no money to hire an attorney. If they want to go down that road, I’ll let them deal with the negative PR.”

Keep Tahoe Fit is only the latest in a veritable bumper crop of Keep Tahoe Blue permutations, among them: Keep Tahoe Local, Keep Tahoe Fed, Keep Tahoe Jew, Keep Tahoe Bomb, Keep Tahoe Culture, Keep Tahoe Seductive, Keep Tahoe Kind, Keep Tahoe Educated, Keep Tahoe Brew and Keep Tahoe Washo.

Lake Tahoe News contacted the League regarding the Keep Tahoe Fit dispute, but also wanted to know if it had undertaken past legal action against other businesses with “Keep Tahoe” in

their business name or on promotional materials, what the guidelines were for taking action, and their reaction in general to the proliferation of “Keep Tahoe XXX” images. Their attorney’s July 16 letter to Minnes indicated the League had, “successfully enforced its rights against other infringers” but gave no names or details.

Amanda Royal, communications coordinator for the League, told *LTN* neither she, nor any other League spokesperson could comment directly or answer any of our questions because it was “a legal matter.”

The League later provided *LTN* with a written statement, which does include answers to some of those questions. In part it says, “We believe Keep Tahoe Blue® is the most recognized brand at Tahoe and must be safeguarded accordingly…. We are particularly concerned about commercial uses because of how they mislead the public and potentially harm the integrity of our long-established brand…. Third parties have always been reasonable, recognizing our rights and taking action to address our concerns. The League has made informal inquiries of others, as it did with Mr. Minnes, and others have complied with our reasonable requests. The US Trademark office has not authorized anyone to use our mark. Third-party sites have frequently taken down infringing content when requested to do so…. We are not aware of any other entity currently attempting to do business that is using our trademark as their sole business name and brand.”

LTN contacted a number of businesses using logos or business names which in some way include the words “Keep Tahoe.”

• Keep Tahoe Fed – Project MANA, an Incline Village nonprofit providing hunger relief programs on the North and West shores of Lake Tahoe and Truckee, has the image of their “Keep Tahoe Fed” bumper sticker on their website. George LeBard, current executive director, told *LTN*, “We checked with (the League) before we did it. And they cleared it.” LeBard noted they no

longer sell that bumper sticker.

• Keep Tahoe Culture – Tahoe Arts and Mountain Culture, a website showcasing the Tahoe-Truckee region's artistic culture has a bumper sticker "Keep Tahoe Culture" on its site. Creator and owner Becky Bell told *LTN*, "I was proactive. I went through the proper channels. I wrote a proposal (to the League) on my program, which is community-based. I changed my colors on purpose to be natural colors. I made sure it was different, because my website is different."

• Keep Tahoe Local – Sells "Keep Tahoe Local" branded merchandise, including sweat shirts, T-shirts, tank tops, hats and car decals. *LTN* spoke briefly with owner Casey Eberhart, who declined to answer questions. Keep Tahoe Local attempted to trademark its logo (a sweat shirt with an image of the lake and the words "Keep Tahoe Local" next to it) with the U.S. Patent and Trademark office in 2006. The League contested the registration and it was denied. The application was marked as "abandoned" in October 2006 because Eberhart did not respond to the denial within six months. Merchandise continues to be sold on its site.

• Keep Tahoe Kind – Lake Tahoe Humane Society and SPCA. Nonprofit using the words "Keep Tahoe Kind" and a pawprint. According to Dawn Armstrong, executive director, "We did that many, many years ago, around 1992. That's our signature; we have it all over, on our website, our letterhead, the bumper sticker. Before we did I called the League and talked to them about it. They said they appreciated that I had the courtesy to call them and they said it would be OK."

• Keep Tahoe Clean – The Clean Tahoe Program, a South Lake Tahoe and El Dorado County-funded litter and nuisance abatement nonprofit, uses an image of the lake and the words, "Keep Tahoe Clean" in many of its promotional materials. Ellen Nunes, program manager, told *LTN*, "Clean Tahoe has never been contacted by the League in any way regarding our use of those

words."

• Keep Tahoe Green – Tahoe Hemp Company. Sells merchandise and bumper stickers bearing a logo with an image of the lake filled with hemp next to the slogan "Keep Tahoe Green." Owner Rick Krantz told *LTN*, "I've always displayed the League's stickers in the store next to mine. I'm sure they've seen them and know that. I give the donations (for League stickers) back to the League. I've had Keep Tahoe Green for 10 years. It's on my business card and everything." Asked if anyone from the League had expressed concerns regarding his slogan, Krantz replied, "No. No one has expressed concern."

• Keep Tahoe Seductive – Blue Turtle Seduction band. Sells "Keep Tahoe Seductive" Sticker. Web text describes it as, "Blue Bumper Sticker with the 'Keep Tahoe Seductive' design in Light Blue. This sticker mimicks (sic) the famous League to Save Lake Tahoe's 'Keep Tahoe Blue' sticker seen all over Tahoe and the country." No response received to inquiries prior to deadline.

• Keep Tahoe Washo – The Washoe Tribe of California and Nevada. According to the League's written statement, "We are open to talking to nonprofits about the use of our logo. 'Keep Tahoe Washoe' is an example of one that approached us and that we approved."

• Building Green to Keep Tahoe Blue – Advance Design & Construction, Incline Village. They attempted to trademark "Building Green to Keep Tahoe Blue," but were denied by the U.S. Patent and Trademark Office due to the similarity with the League's Keep Tahoe Blue trademark in April 2010. Owner Jeff Miller told *LTN*, "Two days after the denial, the League contacted me to say they didn't want people to assume our two organizations were connected in any way. They didn't want anybody to confuse their goals with my goals. I tried to explain that what I'm doing went along with their goals. (The firm is building a LEED-certified home in Incline.) I invited

them to come and see the project and what it was I was trying to do and to look at our website. I spoke with their attorney, who was very pleasant. We agreed I could use 'Building Green to Keep Tahoe Beautiful' on the site." (Miller is in the process of having references to "Building Green to Keep Tahoe Blue" removed.) "I was very surprised by the League's reaction, but we're abiding by it."

• Keep Tahoe Real – Domain name of an action sports culture website featuring film, art and photography. No response to *LTN*'s inquiry before deadline.

These are just the tip of the trademark, so to speak, but they illustrate how complex the issue is. As of late Sept.2, the League had not filed a formal "trademark infringement" action against Keep Tahoe Fit. In the written statement, the League responded to Keep Tahoe Fit's change of logo, "We only learned of his recent change on Aug. 31, but we remain concerned that his new logo trades off our long-established, iconic logo and that it remains a copy of the sticker that has long identified the League."

Minnes told *LTN* Thursday afternoon that the League has again protested to Facebook that the Keep Tahoe Fit page is "abusive." The logo has been removed, and replaced with a photo, but the page remains up. Minnes has contacted Facebook requesting that the logo be reinstated. He has not received any additional communications from the League's attorney.

Heller talks Nevada issues

with Tahoe Rotarians

Tahoe Douglas Rotarians were visited recently by Rep. Dean Heller, R-Carson City, at their weekly meeting.

Heller provided his thoughts on the current political environment in Washington, shared an explanation of his average day, and expressed his viewpoints on some Nevada-specific issues.

Heller was raised in Carson City and serves on the House Ways and Means Committee, which is the chief tax-writing committee of the House of Representatives and has jurisdiction over all taxation, tariffs and other revenue-raising measures, as well as Social Security, unemployment benefits, and Medicare.

Tahoe Douglas Rotary meets at noon on Fridays at MontBleu casino in Stateline. Guests are always welcome. Call (775) 588.1142 for more details about meetings and membership.

Ledbetter financial gifts keep improving LTCC

Lake Tahoe Community College’s garden continues to grow. Local philanthropist Jessica Ledbetter chose the college’s garden as a way to memorialize her parents, Bev and Bill Ledbetter. Her generous donation created the Ledbetter Terrace, an outdoor performance and classroom space that was opened in September 2009.

Ledbetter has continued her support and the LTCC Foundation will dedicate the Erica Faye Ledbetter Interpretive Center on

Sept. 12, in memory of Ledbetter's sister.

Ledbetter's gift paid for the terrace and continuing improvements and renovations to the garden. The garden was started in 1990 and demonstrates successful landscaping and gardening at Lake Tahoe. The site was originally very disturbed by human activity. It served as a borrow pit for the construction of roads and later as a recreation area for off road vehicles. Along with the improvements to the interpretive center Ledbetter's gift allowed the foundation to install low level lighting and power to the terrace and interpretive center, make planting improvements, update signs, and renovate many aspects of the garden.

The dedication ceremony will begin at 11am and light refreshments will be served. The Ledbetter Interpretive Center is located to the left of the Demonstration Garden entrance. Parking is permitted in the G Wing parking lot behind the Child Development Center.

Snippets about Lake Tahoe



Updated Sept. 3 12:30am:

• The Sept. 9 South Lake Tahoe Planning Commission has been canceled. An ordinance concerning medical marijuana dispensaries in the city was supposed to be on the agenda.

• Plumas-Eureka State Park is open again after being closed because a dead ground squirrel tested positive for plague.

• Sand Harbor boat ramp will close after Labor Day.

• Four Nevada residents are each paying nearly $6,000 to attend Lake Tahoe Unified schools for 2010-11.

• *Nevada* magazine's September-October issue has the annual photo contest. They are all from the Silver State, unlike last year.

• Summer success of Masters of Magic in Lake Tahoe has led to a three-month run extension – December 2010-March 2011 – with a new cast at MontBleu in Stateline.

• Labor Day Weekend is the time to stock up on winter/ski supplies with several resorts in and around the basin having tent sales. Check the website of your favorite resort to see if they are having one.

• Need to get a TRPA fix? The Governing Board meetings of the Tahoe Regional Planning Agency are now streamed on the website. They are usually all day on the fourth Wednesday and Thursday of the month starting at 9am.

TRTA annual meeting/dinner

The Tahoe Rim Trail Association's Annual Meeting & Volunteer Appreciation Celebration is Sept. 25 at Northstar-at-Tahoe at the Mid-Mountain Lodge.

The evening will include a silent auction, buffet-style dinner, meeting, presentation of volunteer awards and keynote speaker Adam Bradley, avid long-distance hiker/fast packer.

The meeting begins at 5pm with a silent auction and cocktail hour. After the cocktail hour, participants will have a buffet dinner, presentation of volunteer awards, and keynote speaker Adam Bradley. Space for this event is limited, so reserve a spot no later than Sept. 17.

The keynote speaker, Bradley, is a 38 year old long-distance hiker/fast packer who resides in Reno. Bradley first began long-distance hiking on Vermont's Long Trail in fall 2002. It took just that one trip to turn walking into a way of life for him. Since then, he has traversed a number of trail systems within the US including, but not limited to, the John Muir Trail, Pacific Crest Trail, Tahoe Yosemite Trail, Appalachian Trail and the Tahoe Rim Trail three times and once unsupported/unresupplied speed record.

Recently he has been dubbed an Eco Adventurer for his work with Nevada Wilderness Project on the SWIP Trip. NWP organized the SWIP Trip because they knew that the intersection of Bradley's low-impact style of hiking with an impending renewable energy transmission line offered a unique perspective through which to explore some of the issues and opportunities facing conservationists. Bradley will take the audience along on his recent journey on the Tahoe Rim Trail through a stunning video of his adventure skiing around the Tahoe Rim Trail last winter.

The cost for the annual meeting/dinner is $35 per person $60/couple through pre-registration only. Those interested in the outdoors, recreation and the Tahoe Rim Trail and Association are invited and encouraged to attend. Registration for this event is available at www.tahoerimtrail.org or call (775) 298.0012.

Peaks and Paws at Squaw

Squaw Valley is paying tribute to man’s and woman’s best friend when it hosts the inaugural Peaks and Paws event Sept. 18 from 11am to 5pm.

It’s a opportunity to sip wine or beer while playing with your pets and socializing with other dog owners.

Peaks and Paws will feature a dog training seminar, adopt-a-dog show, guided hikes and three hours of wine and beer tasting and live music from 2 to 5pm. Attendees can also visit a few premiere animal-themed arts & crafts booths.Pets are welcome, but must be well-behaved and on a leash.

Entrance to Peaks and Paws is free. Wine tasting is $25 per person and includes a commemorative wine glass. Beers are also available for $4 each. All proceeds benefit the Humane Society of Truckee Tahoe.

For more information, visit www.Squaw.com.

South Tahoe bird tests positive for West Nile virus

The El Dorado County Environmental Management and Health Services departments received confirmation Sept. 1 that a bird found in the South Lake Tahoe area tested positive for West Nile virus, the first for 2010.

The bird, a Western Scrub-Jay, was found Aug. 24. A second positive bird, a Swainson’s hawk, was also reported for El Dorado County on Wednesday; however, it is believed that the

bird was brought into El Dorado County from Mono County.

So far this year, West Nile virus activity has been reported in 30 California counties, including neighboring Sacramento and Placer counties. There have been 34 human cases and 11 horse cases of West Nile virus reported in California in 2010.

“Confirmation of our first West Nile virus positive birds means the virus is circulating between birds and mosquitoes and there is a heightened risk of infection in humans,” Virginia Huber, Tahoe division manager of the Environmental Management Department, said in a statement. “Residents are urged to take extra precautions to protect themselves from mosquito bites.”

West Nile virus is transmitted to humans through the bite of an infected mosquito. Mosquitoes pick up the virus when they feed on infected birds. The illness is not spread from person-to-person. Most people infected with West Nile virus show no symptoms. However, some people may experience high fever, severe headache, tiredness and/or a stiff neck that may last several days to several weeks. The most serious cases of West Nile virus infection can lead to encephalitis, an inflammation of the brain, which can be fatal. Long-term neurological problems have also been seen in some survivors of severe West Nile virus infection.

Mosquito surveillance programs are in place throughout the county. Programs include trapping and testing mosquitoes, reporting neglected swimming pools, and reporting and testing dead birds and tree squirrels. In addition, the Health Services Department has instituted human surveillance activities, and physicians are encouraged to routinely test human cases of viral meningitis and encephalitis for West Nile virus.

To reduce the risk of being bitten by mosquitoes, Huber recommends:

• Eliminate mosquito breeding sources by draining all standing water around property. Keep water in swimming pools, ponds and water troughs circulating or treated with “Mosquito Dunks” or mosquito fish.

• Apply insect repellent that contains DEET or another approved substance (e.g. picaridin, oil of lemon eucalyptus or IR 3535) on exposed skin when outdoors (always read and follow label instructions).

• Mosquitoes are most active at dusk and dawn. While outside among mosquitoes, dress in long sleeves and long pants.

• Make sure doors and windows have tight fitting screens, kept in good condition.

• Report dead birds and tree squirrels to the State West Nile Virus hotline at (877) WNV-BIRD (877-968-2473) or online at www.westnile.ca.gov. Wear gloves and place dead birds or squirrels in a double plastic bag if disposing of them yourself.

Report mosquito problems and/or neglected swimming pools to the El Dorado County Environmental Management Department at (530) 621.5300 in Placerville or (530) 573.3450 in South Lake Tahoe. Additional West Nile virus information is available at www.westnile.ca.gov or www.edcgov.us/emd.

DUI checkpoint in Truckee on Sept. 3

The Truckee Police Department in conjunction with the California Highway Patrol, the Nevada County Sheriff’s Office,

and the Grass Valley Police Department, we will be conducting a DUI/driver's license checkpoint Sept. 3.

The Police Department's goal for 2010 is to significantly reduce the rates of DUI-involved injury collisions in Truckee.

Collisions involving impaired drivers have dramatically decreased this year because of increased education and enforcement programs.

Still. DUI collisions are 100 percent preventable and are not accidents, according to the agency. TPD intends to aggressively enforce alcohol and DUI laws to achieve the goal of improved traffic safety for all motorists in Truckee.

Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.

Tahoe bear, human interactions on the rise

By Carlos Alcalá, Sacramento Bee

Officials from the California Department of Fish and Game and USDA Wildlife Services showed up at dawn at Lake Tahoe's Fallen Leaf Campground early this week, looking for a bear sow and cub with a reputation for nonchalant visits to the tents.

The same bear had been trapped, tagged and run out of the campground with dogs and rubber bullets four weeks earlier in hopes of teaching her to avoid humans.

She didn't learn.

In the middle of the night, as the busy Labor Day weekend approached, she swiped at a camper in his tent, injuring his arm. Officials decided they had to act before hundreds of people, and pets, showed up for the holiday.

Read the whole story