

DUROY AND THE OHIO WINE WARS

By Jack Sullivan

About the middle of the 19th Century, members of a French family named Duroy emigrated from their native France -- where the name means "Of the King" -- and settled in Cleveland. There were three of them, father, mother and young son. The father, Martial Duroy, recognizing the potential for growing grapes in the sandy soils along Lake Erie almost immediately began producing wine. Little did

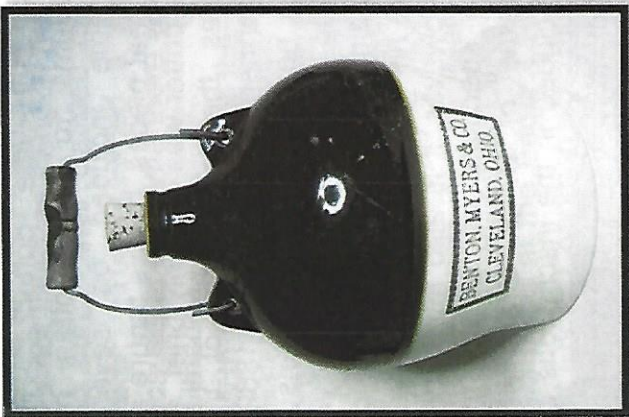


Figure 1

he realize that in time the name Duroy would come to represent a battle supreme in the law courts of Ohio, a conflict that would gain national attention.

From the outset, according to a contemporary report, the father "produced wines of such excellence hat they soon acquired a wide reputation." His wines were sold and known as the Duroy Brands, bottled in Cleveland. The son, Martial Duroy Jr., eventually was brought into the business as a partner and the name became M. Duroy



Figure 2

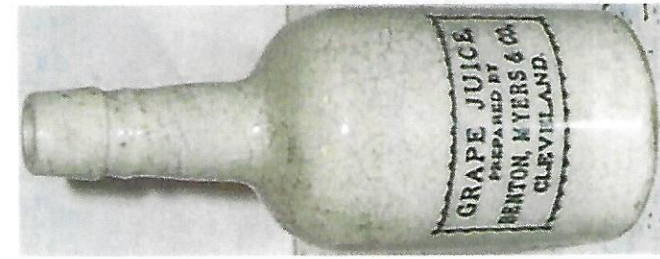


Figure 3

& Son. The company continued to prosper until the death of the senior Duroy in 1876. For the next eight years, the business was dormant while Duroy Junior was busy buying land and planting new vineyards near Lakeside, Ohio.

For the following six years Junior sold no wines directly to the public but distributed his product through the Benton, Myers Company. Founded in 1874, that was a firm of druggists and dealers in alcoholic and other beverages, located at 127 Water Street (Figs. 1-3). Because of the good reputation for wine that his family had built, Duroy Junior allowed Benton, Myers to merchandise his wine under the name "Duroy Wine Company."

Among the varietals featured were sherry, port, Tokay and Catawba. Shown here are mini-jugs bearing the Benton, Myers Duroy branding (Figs. 4-9).



Figure 4

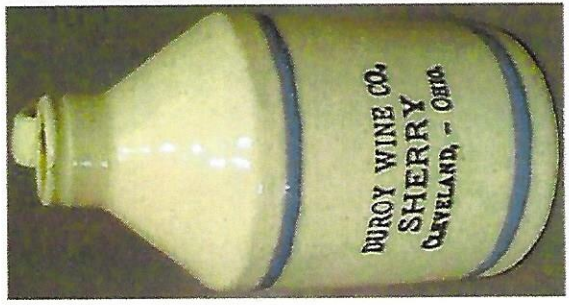


Figure 5

After several years of selling his wine through an agent and noting their profits, Duroy Junior decided to found his own winery and bottling operation at Sandusky. He formed a partnership with a local businessman, E. J. Haines, and built the Duroy Wine Cellars on Columbus Avenue (Fig. 10). Despite the fact that Junior had

ceded the Duroy name, the partners called their new enterprise the Duroy Wine Company. Benton, Myers was not long in reacting strongly. They sought an injunction in a trial court of Cleveland. Specifically, they sought to restrain the Sandusky outfit from the use of the words, "Duroy Wines" and "Duroy Wine Company," claiming each set of words as their trademark.

The conflict, to use the modern vernacular, "went viral." According to an American Druggist report of 1893, the injunction suit was one "which has been so thoroughly published in all drug journals of the country." The conflict also was given considerable attention in the wine and liquor trade industry press. The Ohio wine war lasted two years. The court found that "Duroy Wine Company" was a trademark

and exclusive to Benton, Myers. Duroy & Haines, however, were entitled to label, describe and sell their wines as Duroy Wines, sold by Duroy & Haines, proprietors.

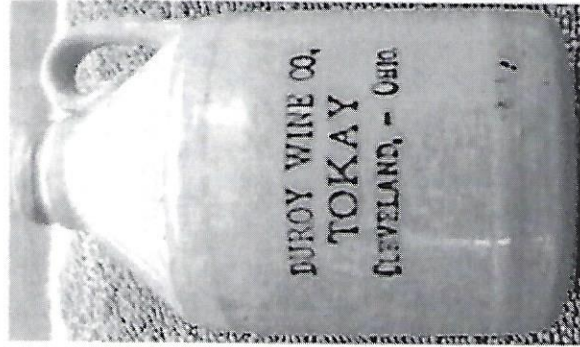


Figure 9

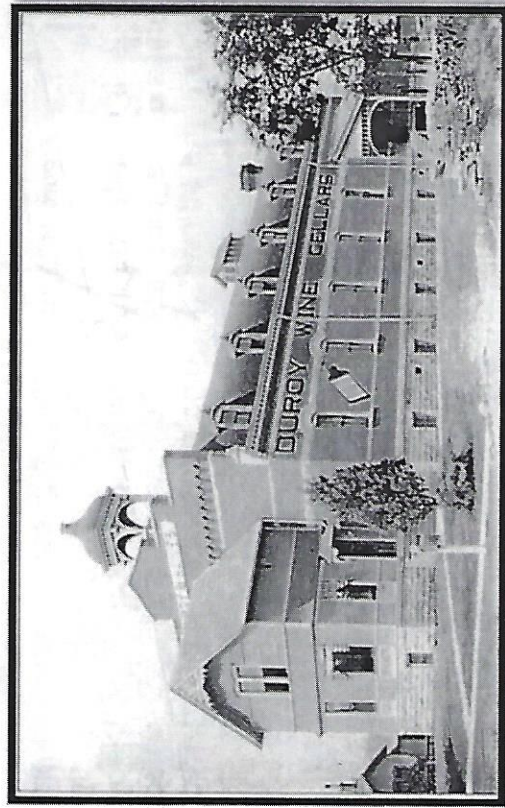


Figure 10

This "split decision," was accepted by Benton, Myers, but not by Junior and his partner. They appealed to the Circuit Court in Cleveland. That court found wisdom in the earlier



Figure 6



Figure 8



Figure 7

judgment and let it stand. Still unsatisfied Duroy & Haines appealed to the Supreme Court of the State of Ohio. That court reaffirmed the decisions of the lower courts in 1891. Thereupon Junior and his partner capitulated.

Despite the court setback, Duroy & Haines flourished in Sandusky. Much of the success could be laid to a series of attractive ads in newspapers and national magazines. In one ad the company bragged about being in "in the heart of the most famous grape section in the country." (Fig 11,12).



Figure 11

officials. Ironically, the very next year a shipment of Duroy & Haines grape juice, sent to Tennessee, was confiscated by those same officials as being adulterated, i.e., watered down.

Duroy & Haines paid a fine. Despite the wine war being



Figure 12

effectively concluded in 1891, the two combatants clearly retained considerable animosity toward each other.

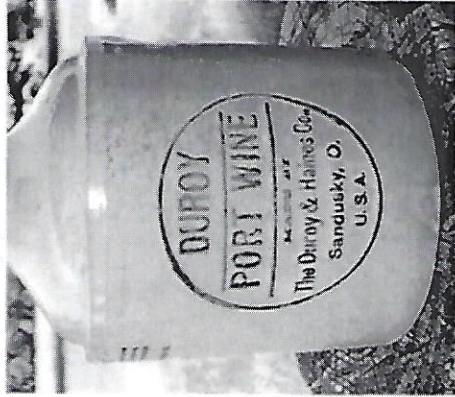


Figure 13



Figure 14

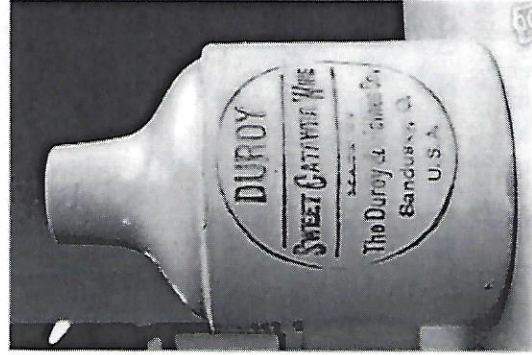


Figure 15



Figure 16

They continued to compete fiercely for the same customer base. In a promotional magazine article from about 1900 Duroy & Haines contended that Benton, Myers' Duroy Wine Company had not had even as little as a gallon of "real" Duroy wine in its jugs for many years. In the end, however, the feud mattered little. The 1916 prohibition of

alcohol in Ohio shut them both down. As a result, all the ceramic bottles and jugs shown here can be dated as either over 100 years old or approaching that mark.

- Fig. 1: Benton, Myers whiskey jug
- Fig. 2: Benton Myers juice mini-jug
- Fig. 3: Benton Myers bottle
- Fig. 4: Duroy sherry jug
- Fig. 5: Duroy sherry jug #2
- Fig. 6: Duroy port jug
- Fig. 7: Duroy port jug #2
- Fig. 8: Duroy sweet catawba jug
- Fig. 9: Duroy tokay jug
- Fig. 10: Duroy Cellars photo
- Fig. 11: Duroy & Haines (D&H) ad #1
- Fig. 12: D&H ad #2
- Fig. 13: D&H port jug
- Fig. 14: D&H blackberry wine jug
- Fig. 15: D&H catawba jug
- Fig. 16: D&H sherry jug