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The San Diego Union-Tribune

November 16, 2000, Thursday

SECTION: LIFESTYLE;Pg. E-1

LENGTH: 934 words

HEADLINE: Taking on Mattel; Company isn't toying around with artist and **Barbie** exhibit

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BODY:

LOS ANGELES -- OK, so Ken might be miffed. There was buck-naked **Barbie**, wrapped in a tortilla, smothered with enchilada sauce and about to be cooked in the oven.

This was not the plastic princess' only predicament. "Malted **Barbie**" was about to be pulverized by a Hamilton Beach mixer and "Fondue a la **Barbie**" consisted of **Barbie's** smiling heads skewered on sticks in a fondue pot.

These versions of the dinky material girl are in photographs created by Utah artist Tom Forsythe, whose series "Food Chain Barbie" parodied the doll to make a point about "mindless consumerism." What Forsythe ended up with is a massive case of indigestion -- he was slapped with a federal lawsuit by toy maker Mattel Inc., who critics say often goes Barbie ballistic and sues.

Mattel accused Forsythe of trademark and copyright infringement, just as it has with other artists, fan clubs and Web pages who took potshots at the stiletto-heeled Pink One. The American Civil Liberties Union has stepped in, arguing that Forsythe uses Barbie for social commentary and that the giant corporation has no right to use trademark law to trample free expression.

"I considered the many products in our world that would best represent the 'brainwashed consumer,' " Forsythe, 42, recently said under oath. "I immediately thought of the Barbie doll."

The sometimes real estate appraiser had no inkling of Barbie's wrath. She, after all, is not just a bitty bombshell with a 3-inch waist and a Beach Bungalow, but a

billion-dollar empire that includes everything from girls' apparel to Digital Makeover CD-ROMs. Someone must have gotten on the Barbie "Talk With Me" cell phone to call out Mattel's legal dogs.

"My first contact with Mattel was a sheriff on my doorstep," said Forsythe, recounting when he was served with the lawsuit. He bought his 11 1/2 -inch-tall anatomical wonders at a church-run thrift shop near his home in Kanab.

"Little did I know that Mattel, chief purveyor of images that degrade and silence young women, would turn the full force of its multibillion-dollar power on me," he said.

Forsythe had won critical acclaim at galleries and art shows for his photos, which also featured the Lilliputian icon impaled on cactus and bent over mooning. He says the \$3,500 he made off his pictures didn't even pay for the project's expenses.

The El Segundo-based Mattel "has a long rap sheet" of bullying Barbie bashers, the ACLU contends. After a San Francisco artist sold 150 Barbies as artworks -- including Trailer Trash Barbie who had platinum hair with black roots -- Mattel sued for \$1.2 billion in damages. Among other cases, Mattel went after "The Distorted Barbie" Web site, which mocked the polystyrene prima donna as a cultural phenomena; a fan magazine that satirically portrayed Barbie with booze and pills, and the small Seattle publisher of "Adios, Barbie," which declared Barbie "guilty of inspiring fourth-grade girls to diet." (Mattel also charged that the book cover was Barbie's "trademark pink.")

Mattel lost its federal suit against MCA Records over the pop band Aqua's hit song, "Barbie Girl," whose lyrics included, "I'm a blonde bimbo."

It appears Forsythe may also prevail in court. U.S. District Judge Ronald Lew recently turned down Mattel's request for a preliminary injunction, saying it did not appear the lawsuit would succeed. Mattel appealed the ruling.

Trademark and copyright laws are intended to protect businesses from others who use their ideas for commercial advantage, said Peter Eliasberg, an ACLU attorney. "They're not supposed to stomp out people satirizing or parodying things," he said.

Mattel officials deny they are trying to muzzle Forsythe's First Amendment rights.

"He's using our trademarked work for commercial benefit," said spokeswoman Lisa Marie Bongiovanni.

"She is one of our most valuable assets," Bongiovanni said.

Mattel isn't talking about another sordid allegation in defense documents. The ACLU argues that Mattel doesn't have a copyright claim because even though the toy maker "has done everything it can to hide the truth, the Barbie doll appears to be a cheap knock-off of a German pornographic gag gift."

The hooker-like German version was Lilli, which Mattel founder Ruth Handler supposedly came across in Europe and used as Barbie's prototype.

Squeaky-clean Barbie is now a U.S. president, a Marine Corps sergeant and an astronaut, so Mattel will have no part of any so-called floozy connection. In Barbieland, the gatekeepers prefer to think of the haute couture mini-goddess in her wee Christian Dior and Givenchy gowns.

No surprise, then, that Forsythe's photographs, which show the birthday-suited plaything bent in strange ways, has Mattel steaming. The company's court papers allege the pictures portray Barbie "in an offensive, sexually suggestive and disparaging manner" that tarnishes Mattel's trademark.

In his sworn statement, Forsythe, once an independent filmmaker in Los Angeles, explained his artistic impulses behind his creations. As for "Barbie Enchiladas," he said, "I took great care to arrange each of the dolls to best display their gleaming smiles, their bright eyes and their exaggerated body parts, all the better to reveal just how unrealistic they really were to anyone who took the time to see them out of the context propagated by Mattel's marketing department."

For "Heatwave," which shows a nude Barbie being roasted in a toaster oven, Forsythe arranged the lighting "so that she appeared to have the nice rosy glow of a choice cut of meat being basted to perfection."

GRAPHIC: 2 PICS; 1. It's not an image that has Mattel very happy -- Barbies wrapped in a tortilla and covered with enchilada sauce. 2. Tom Forsythe (E-4)

LOAD-DATE: November 20, 2000