

# A mangled hand, a 'Heroes' suit, and NBC

**Emerson Electric is suing NBC over a scene in "Heroes" featuring the company's garbage disposal. This may seem silly but something does smell funny on both sides.**

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NEW YORK (CNNMoney.com) -- NBC is getting sued by a garbage disposal maker that claims the network's new hit show "Heroes" casts its product in a negative light. You can't make this stuff up.

Apparently, the first episode of "Heroes" shows one of the characters, a cheerleader who is blessed with the power of indestructibility (must come in handy when being at the top of those human pyramids), sticking her hand into a garbage disposal and getting it all mangled. A few seconds later her hand heals.

What's the big deal? The brand name of the machine in question is visible in the scene. It's called the InSinkErator. (Sounds like a bad Schwarzenegger movie. "Hasta la vista, gah-bage. Fooooood. I'll be back...to chop you.")

Anyway, [Emerson Electric \(Charts\)](#), the company that makes the InSinkErator, isn't too happy to have its product shown bloodying the hand of a pretty, young cheerleader. So Emerson filed a suit in a U.S. district court in St. Louis against NBC Universal on October 2.

In the lawsuit, Emerson claims that NBC used Emerson's trademark without the company's consent and that the show "implies an incorrect and dangerous design for a food waste disposer."

The company added in its complaint that NBC's depiction of the InSinkErator "casts the disposer in an unsavory light, irreparably tarnishing the product."

Emerson is asking the court to order NBC to remove Emerson trademarks from future broadcasts of the show and also reward Emerson damages suffered as a result of NBC's acts of "unfair competition, trademark infringement, and trademark dilution."

Dan Callahan, spokesman for Emerson, said the company, of course, does not recommend anybody put their hands in a garbage disposal that is turned on.

But he also pointed out that, according to data from the government's Consumer Products Safety Commission, you are actually ten times more likely to get injured by your dishwasher than your garbage disposal.

And I've been told that if you did stick your hand in a garbage disposal (not that I've tried) you would hurt yourself but you would not wind up losing any fingers as was the case with the girl on "Heroes."

So I can see why Emerson would be mad at NBC. The network is merely perpetuating this myth that garbage disposals are a menace to society! Garbage disposals don't chop off people's fingers. People chop off people's fingers.

Still, I'm not sure why Emerson has to be worried about its product being cast in an "unsavory light." Anyone who willingly shoves their hand in a garbage disposal because they saw someone do it on TV is a moron. That's not Emerson's problem.

### **Will InSinkEerator sales really hit the skids?**

So what's NBC's response?

"While we do not believe there is any legal issue with the episode as originally broadcast, we nonetheless have decided to edit the episode for future uses," said an NBC spokesperson in a statement.

Presumably, that means rebroadcasts on NBC's sister cable networks like USA and Sci Fi, broadband viewings (the show is available on [Apple's \(Charts\)](#) iTunes), the inevitable DVD release of the first season and possible syndication.

So if NBC has already edited out the offending InSinkEerator trademark, then why is Emerson persisting with the lawsuit? Callahan said that Emerson has seen NBC's response about the pilot being re-edited but that the company has not heard directly from the company about its lawsuit.

Now is this just another example of a company seeking publicity and using the court system to do it? Heck, I'm writing about the InSinkEerator so if the suit was a PR move, it worked.

And it is easy to label Emerson as yet another example of an overly litigious culture. I find it hard to believe that "Heroes" really "did in fact cause pecuniary harm to Emerson" as the lawsuit alleges.

First off, even though the trademark is clearly visible on what I'm told is called the flange (I'm no Bob Vila) of the disposal it's in tiny print. So even if you own a 50-inch HD plasma TV, I doubt that you would have noticed the InSinkEerator name. Plus, the flange wasn't exactly the focal point of the scene. I'd argue that the cheerleader's bloody hand wins that honor.

And call me crazy, even if people did notice that the disposal was an InSinkEerator, something tells me that Home Depot and Lowe's aren't going to be stuck with scores of unsold InSinkEerators because consumers will be afraid about what may happen to their paws if they intentionally shove them into the disposal.

In fact, I called a Home Depot in Secaucus, New Jersey Monday and spoke to a sales rep from their appliance department. I asked him if any customers have had complaints or questions about the InSinkEerator since "Heroes" debuted. He seemed confused by why I was asking such a bizarre question but quickly said no.

## **NBC should have known better**

But on the other hand (which I'm keeping as far away from garbage disposals as humanly possible), NBC may also be guilty of something here.

At the very least, the producers and the network's legal department were reckless because they did not check all their Ps and Qs.

Instead of showing a sink with the InSinkErator disposal, NBC could have easily created a fictitious brand name for the garbage disposal and avoided unnecessary legal risk. People make up fake product names on TV all the time. Or they could have edited out the name from the get-go. It wouldn't have affected the integrity of the show.

Even better, NBC could have shown some love to its corporate parent with a blatant product promotion. After all, NBC Universal is owned by [General Electric \(Charts\)](#), which also makes garbage disposals. And isn't GE all about synergy?

Then again, showing your product chop off the digits of a cute cheerleader probably isn't the type of publicity that GE's appliance division wants. So maybe Emerson is on to something after all.

GE does compete with Emerson in the garbage disposal market. It would be a little different if "Heroes" aired on [CBS \(Charts\)](#), [Walt Disney \(Charts\)](#)-owned ABC or [News Corp.'s \(Charts\)](#) Fox since their parent companies aren't in the household appliance business. So perhaps it wasn't an innocent oversight by the producers. Hmmm.

Now this sounds like something more suitable for an episode of "Law and Order." Ripped from the headlines, indeed.