

Martin Guitars Not “Made In The USA?”

Pennsylvania’s official tourism website lists the Martin Guitar factory in Nazareth as a “must see” destination, encouraging visitors to “experience the intrigue and excitement as highly skilled craftspeople transform wood into music.” Watching firsthand the complex process that turns rough lumber into beautiful guitars, the thousands who visit each year leave with a deep appreciation of the instrument maker’s art. An exceptional factory, a manufacturing tradition dating back to 1833, and credit for creating the modern flat top acoustic guitar, are why Martin is a genuine American institution. Yet, as of this year, the company no longer labels the guitars that leave its Nazareth plant as “Made In USA.” A reasonable person might ask, “how is this possible?” The answer lies with a poorly drafted California statute and the aggressive lawyers who exploit it.

California’s Unfair Competition statute states that for an item to be designated “Made in the USA,” “any article, unit, or part thereof,” has to be “entirely or substantially made, manufactured, or produced” in the U.S. The California Supreme Court has interpreted this rule to mean that a “Made in the USA” designation requires that 100% of every piece of every part in a product must be made in one of the 50 states. Martin guitars, despite the labors of 600 craftspeople in Nazareth, don’t make the cut because they incorporate imported woods, Asian and European built tuners, and synthetic nuts and saddles from Canada.

The California statute has been on the books since 1961, but until recently, Martin shipped “Made in the USA” guitars into the state without incident. State regulators apparently were willing to apply a more lax “reasonable person” standard in assess-

ing country of origin. Not so local trial lawyers. In 2006, they mounted a class action suit against Leatherman Inc., alleging “deceptive and fraudulent advertising,” because the company had labeled its hand tools “Made in the USA” although some component parts were imported. Leatherman was hit with a \$13.0 million judgment, although it was later reduced on appeal. In 2012, Lifetime, a maker of basketball hoops and backboards, faced a similar legal assault. They settled for \$485,000 and paid another \$325,000 to a designated charity after burning through \$500,000 in legal fees. No one disputed that their hoops and backboards were produced at a Utah factory: their crime was using some bolts and washers imported from Asia.

Faced with legal risks of this magnitude, Martin CEO Chris Martin took the prudent course, and earlier this year, replaced the “Made in the U.S.A.” designation with “Crafted in Nazareth from components sourced from around the world.” Martin’s standing with guitarists worldwide, which rests on 182 years of quality production, won’t suffer because of a labeling change. The instruments that have delighted generations remain much the same. Yet, the change is galling to a proud organization that has been an integral part of America’s musical culture. It’s like asking an artist to remove his signature from his painting. It also stands as a potent argument in favor of tort reform. Is there really a large contingent of Martin customers who claim injury because their guitars contained a few bits of imported plastic and metal? If so, we’d like to meet them. While we’re waiting for them to gather, we conclude by noting that this costly absurdity erodes faith in our governing institutions.



Martin Guitars are no longer labeled “Made in the U.S.a.”

Vic Firth, An Irresistible Force

The arc of the late Vic Firth’s extraordinary career has been exhaustively documented: child prodigy, youngest player ever to join the Boston Symphony Orchestra; the greatest percussionist of all time according to famed conductor Seiji Ozawa; the most in-demand faculty member at the New England Conservatory; and founder of the world’s leading drumstick manufacturer. These résumé highlights unfortunately don’t fully capture the infectious enthusiasm he brought to all his endeavors.

Vic could best be described as a happy warrior. Whether it was providing the rhythmic foundation for the BSO for over five decades, imparting wisdom to aspiring percussionists, or continually refining the drumstick, he attacked every task with a joyful desire to excel. His zeal had a magnetic effect: capacity crowds flocked to hear him at the Percussive Arts Convention, musical groups running the gamut from the Vienna Philharmonic to the Grateful Dead

clamored to get him on stage, and percussionists around the world gravitated to his sticks. He was an irresistible force.

Starting his drumstick company in a garage in a pre-Excelera, Vic began charting his quarterly sales on graph paper. The sales chart kept growing, as he’d tape on another piece of graph paper to accommodate another year’s figures. The chart eventually got huge and unwieldy, yet Vic enjoyed stretching it out on a table to illustrate that his business had never had a down year. It was a compelling record of an enviable business career. It was also a fitting metaphor for a long life, well lived: moving forward, constantly striving for improvement, and cheerfully overcoming challenges. Vic was a singular talent who enriched the lives of many. He will be sorely missed.



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