

COLOUR CODIFICATION:  
LAW, CULTURE AND THE HUE OF COMMUNICATION

by  
Charlene D. Elliott

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in partial fulfillment of  
the requirements for the degree of  
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**COLOUR CODIFICATION:  
LAW, CULTURE AND THE HUE OF COMMUNICATION**

submitted by

Charlene D. Elliott, B.A., M.A.

in partial fulfilment of the requirements  
for the degree of Doctor of Philosophy

-----  
Chair, School of Journalism and Communication

-----  
Thesis Supervisor

External Examiner

Carleton University  
2003

## Abstract

*Colour codification: Law, culture and the hue of communication* seeks to extend the boundaries of contemporary communication studies by probing a powerful communicative media, colour, which is largely overlooked by a field preoccupied with new technologies and issues pertaining to the mass media. Although colour effectively resists theorization, it is possible to scrutinize colour communication from the angle of *codification*—from the varied legal, historical, commercial and public attempts to constrain, dictate and direct the meanings of a hue.

This dissertation argues that colour communication and colour codification entwine; the communication of colour is generally bound up with efforts to control its symbolic meanings, regardless of colour's particular 'form'. Yet colour codification is also revealed to be a multitudinal and complex process, and the legal and language-based paradigms frequently used to control its meanings present difficulties of their own. Ultimately, the validation of colour's communicative potential means acknowledging that 'communication' pertains to the deployment of the visual—even though colour codification is generally anchored to language. Colour communication, too, often hides the economics behind colour, as well as the series of players (legal, commercial, political, industrial) who select, rank and channel the colours we see.

## Acknowledgments

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For my mother, Jacqueline Vivian Elliott.

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## Introduction

*"A colour has no identity without form."* So argues Linda Holtzschue in the 2002 edition of *Understanding colour: An introduction for designers* (p. 129). And in many respects, this dissertation challenges Holtzschue's claim while playing with the various forms of colour "identity" circulating through the Western socioscape. Perhaps it is unwise to open the curtain on colour communication with the observations of such an 'unknown' academic; certainly, bigger names have grappled with the topic and voiced far more pithy insights: Derrida affirms that "colour has not yet been named" (Derrida, 1987, p. 169) and Barthes calls colour "a kind of bliss" (Barthes, 1991, p. 166); Kristeva warns that "[c]olour is the shattering of unity" (Batchelor, 2000, p. 82), whereas Adorno finds colour within the "prism" of philosophy (Riley, 1995, p. 55). Lichtenstein embraces colour as "a pleasure that exceeds discursiveness" (Lichtenstein, 1993, p. 194) while Le Corbusier revokes its flourish as "distracting din" (Batchelor, 2000, p. 45). Before this, Goethe poetically discovered in colour "indefinable pleasure" and "a mystical allusion"—not to mention a communication that "may be made subservient to the highest aesthetical ends" (Goethe, 1997, pp. 304, 305, 351). And centuries earlier, long before Goethe argued that "no colour can be considered as stationary" (p. 308), Democritus displayed a sense of chromatic coding by explaining that colour "exists by convention" (Gass, 1972, p. 62).

But Holtzschue's recent claim, "a colour has no identity without form", speaks to a particular issue of colour that must be addressed, an issue that has to do with the shape colour takes and its various guises, or the idea of communicating (or not) through the media of colour. The other quotes mentioned, drawn from Derrida through Democritus, pay certain homage to this issue too, even ranging as they do the full spectrum of thought—from observing "unnamed" colour (Derrida) to finding it validated by general agreement (Democritus). Despite these colourful dicta, however, there seems to be an inadvertent whitewashing to colour and its communication, a blanching that (it is hoped) finds redress in this dissertation.

This project concerns itself specifically with the "whitewashing" of colour within the field of communication studies, in which colour, convention and form remains largely unmapped territory. Focusing on *colour codification*, this research probes the varied contemporary and historical attempts to constrain, control and direct the powerful communicative media of colour. *Colour communicates*, but its communication is subject to endless codification—historically, by culture and cultural industries, and (most literally) through law. *Colour communication* and *colour codification* thus entwine; the communication of colour is generally bound up with attempts at controlling its symbolic meanings, regardless of colour's particular 'form'. Unravelling these threads will provide a sharpened sense of both colour codification and communication—and of the stakes involved in viewing hue as a legitimate communicative medium.

Central to this research, then, is the question of *how* colour communicates socio-culturally and how our culture attempts—often through legal and language-based paradigms—to colonize this particular realm of the sensorium. Various legal, commercial and social channels are scrutinized to reveal how they hem in colour’s symbolic meanings, and also with an eye to determining the *significance* of directing colour communication: what is the consequence of codifying colour and what does it mean to literally or figuratively ‘legislate’ a preferred reading for a hue?

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### **Whence colour control?**

Attempts at controlling the visual of colour can take many forms; and the elaborate tables and ‘modern’ colour systems appearing from the 1600s onwards<sup>1</sup> suggest manifold possibilities for ordering colour. Ever since Sir Isaac Newton’s colour wheel geometrically rolled out the colours of the spectrum in *Opticks* (1702), colour has been contained within countless colour circles, triangles, stars and spheres. Colour has been the subject of much artistic and painterly discourse, and the object of repeated, and some would say fruitless, theorization.<sup>2</sup> There are, in short, many possibilities open to a study of colour codification, not withstanding the deliberate application of colour for psychological and therapeutic purposes or the phenomenological investigations spearheaded by Wittgenstein’s *Remarks on colour* (1977). Scholars such as John Gage (1993, 1999) and Michel Pastoureau (2001), furthermore, have crafted compelling

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<sup>1</sup> See Gage, 1993, pp. 29-38, 153-176.

<sup>2</sup> See Gage, 1993; Riley, 1995.

examples of how one might approach a history of colour, and Philip Ball's quite recent book, *Bright earth: The invention of colour* (2001), suggests that the real key to understanding historical colour communication is to look to its *substance*—since the conventions adhered to by painters and dyers were rooted in the materiality of colour and the colour 'inventions' made possible by advancements in chemistry and technology. But this project is interested in *communication*, not optics, art, art history, phenomenology or chemistry, and so must strategically bracket off certain bodies of literature that would be best engaged by a different project.

One obvious component of communication is language, which is accepted as a primary means of codifying colour in culture. "Colour has not yet been named", said Derrida (1987, p. 169), although some scholars have claimed otherwise. Anthropologists Brent Berlin and Paul Kay's *Basic colour terms*, published in 1969, sparked much discussion and debate with the hypotheses that all natural languages contain between two and eleven 'basic' colour categories and that *all* colour vocabularies develop according to a universal order of sophistication. A colour hierarchy thus exists: if a language has only two colour words, they are for black and white (which encompasses dark and light, respectively). If it has three colour terms, they are for black, white and red; and if it has four, they are for black, white, red and either yellow or green. Five terms will include both yellow and green; six adds blue; and seven, brown, continuing on through the final four terms—purple, pink, orange and grey—which will emerge in any order. The Berlin-Kay hypothesis, and especially its abstracted popularization, has been much questioned (see, for instance, Lyons, 1995; Levinson, 1997; Maffi, 1990; Roberson, Davies & Davidoff,

2000; Ball, 2001, pp. 16-18; Hope & Walch, 1990, pp. 82-3).<sup>3 4</sup> Oddly, it makes language ‘speak’ universally for *more* than a spectrum of hues—for the achromatic black, white and grey, and for colour ‘mixtures’ like grey, pink and brown—as well as the spectrum colours red, orange, yellow, green, blue and purple (Batchelor, 2000, pp. 87-90); but problematically, the theory does not account for many subtleties and anomalies to be found within colour language. The Old French word *blou*, for instance, referred to both blue and yellow; in the Middle Ages *sinople* applied to both red and green (Gage, 1999, p. 30); in Antiquity, Latin had seven terms for red, and *rufus* designated many colours, from purple to gold (Gage, 1993, p. 80). Moreover, the notion of ‘basic’ colour terms overlooks the crucial factor of context—the fact that French *brun* or *violet* does not directly correspond to the English *brown* or *purple*, or that Literary Welsh does not have the precise verbal equivalent of the English *green*, *blue*, *grey* or *brown* (Ball, 2001, pp. 16-17; Batchelor, 2000, pp. 88-9). Or consider Hanunoo, a language spoken by Malayo-Polynesian people in the Philippines, which has only four colour terms: ‘dark’ and ‘light’ and ‘fresh’ and ‘dry’—of which the latter two words pertain equally to texture as to colour.

Without delving too deeply into the philological difficulties, the Berlin-Kay hypothesis significantly illustrates the notion that the lexical domain can control perception—an idea that struts, in various fashions, throughout this project. Although Kay has subsequently

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<sup>3</sup> Stephenson (1973) provides a detailed overview of the critiques (and merits) of Berlin and Kay’s theory.

<sup>4</sup> Given this questioning, it is surprising to see MIT professor Steven Pinker announce the Berlin-Kay hypothesis as if a point of fact in his 1994 book, *The language instinct: How the mind creates language*.

(and repeatedly) reworked the model in light of its varied critiques (Kay, 2002; Kay and Maffi, 1999),<sup>5</sup> flaws in the original theory actually foreground that *terms do not colours make*: the fact that a language may not have word for a colour does not mean that people do not have experiences with it! Indeed, there is little reason to presume that the *structure* of our colour vocabulary limits our ability to distinguish hues; and, in ironic contrast to Berlin and Kay's 'basic terms,' the following research reveals that our culture's colour frequently grapples with a vast vocabulary of words for the same tint, words which may seem to have neither rhyme nor reason—and in some cases, no plausible relationship to the hue being signified. Perhaps *this* reality is best adduced by social theorists instead of linguists; certainly, Pastoreau speaks directly to the interests of this dissertation when he affirms that *society* “‘makes’ color, defines it, gives it meaning, constructs its codes and values, establishes its uses, and determines whether it is acceptable or not” (2001, p. 10).

If culture *is* compelled to codify colour (whether through language, chemistry, optics, philosophy, phenomenology, etc.), why the push for such control? Some would contend that colour codification seeps through the very fabric of our culture—that the whole of Western thought has been preoccupied with sequestering colour, boxing it, disciplining it in some particular way. To David Batchelor, this control is far from positive, and his slim yet combative volume titled *Chromophobia* (2000) argues that colour “has been the object of extreme prejudice in Western culture... systematically marginalized, reviled, diminished and degraded” since Antiquity and marked by extreme “fear and “loathing”

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<sup>5</sup> In fact, the 1969 model has been reformulated and refined in 1975, 1978, 1991, 1997 and 1999 (Kay, 1999). Kay's (2002) paper, “Color categories are not arbitrary”, tackles some recent critiques to argue for certain “universal constraints on color naming” (2002, p. 2).

(p. 22). *Chromophobia*, this “fear of corruption through colour” has prompted manifold efforts to contain it, either by positioning colour within the realm of the ‘foreign’—typically “the feminine, the oriental, the primitive, the infantile, the vulgar, the queer or the pathological” (pp. 22-3)—or reducing it to something superficial, frivolous and cosmetic. “In one, colour is regarded as alien and therefore dangerous; in the other, it is perceived merely as a secondary quality of experience, and thus unworthy of serious consideration. Colour is dangerous, or it is trivial, or it is both” (p. 23).

Batchelor’s premise is bold; he goes so far as to claim that “colour is bound up with the fate of Western culture” (p. 22). Yet the “unknowable” aspects of colour destine it to a place of infamy—it is ‘other’ to the higher concerns of Western society (p. 23), and *Chromophobia* devotes its 112 pages to creatively providing support for colour’s ‘otherness’. Subordinated to line in drawing and painting, associated with the crude and primitive in architecture, and even signalling a ‘fall’ into unconsciousness in film<sup>6</sup>, colour (and Technicolor, respectively) is devalued or denied.

Exceptions to chromophobia *do* exist, and while Batchelor explores colour’s forcible exclusion over time, this project focuses on a *coveting* of colour, a codification that stems from a desire to possess or own rather than reject. Powerful ends can be gained by successfully controlling colour: political ends, public ends, commercial and corporate ends. And, contrary to Batchelor’s argument, the “cosmetic” of colour is often very

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<sup>6</sup> This refers to Batchelor’s analysis of *The Wizard of Oz*, in which “the movie’s great set piece is a spectacular descent into brilliant Technicolor” (p. 39). Dorothy’s colourful experience results from “her fall into unconsciousness”, whereas reality, Kansas, is steeped in grey. Bleak it may be, but there’s “no place like home”.

seriously regarded—regarded seriously enough in our own era to have become an issue set before the U.S. Supreme Court.

### **Background and method: Establishing the case for colour codification**

It is the 1995 U.S. Supreme Court ‘colour case’ (*Qualitex Co. v Jacobson Prods. Co.*) that prompted this research on colour control, a legal process which culminated with the landmark ruling that colour alone or colour *per se* could be registered as a trademark. As a student of communication, I was curious as to how this ruling came to pass, curious about the legal tenets and cultural assumptions that allowed for the monopoly, within a particular context, of an aspect of the sensorium. But a reading of the *Qualitex* case opened the doors to a host of other questions. *Qualitex Co. v Jacobson Prods. Co.* revealed that the ‘constraint’ offered by intellectual property (specifically the trademark law that permits colour ownership), proceeds in a fairly absurd way that proves remarkably insensitive to colour itself—which raised the issue of whether the ‘case’ was anomalous or in fact indicative of a more general cultural push toward controlling the fullness of colour. What started as a critique of a current development in intellectual property law bloomed into a tracing of the myriad attempts to monopolize, contain and constrain colour, starting from the legal bids to ‘ownership’ and fanning out to detail more symbolic attempts at directing or controlling colour.

Tracing colour codification and colour communication is often tricky; the paucity of research directed solely toward colour in the field of communication means there is little to guide the way, and the field’s near silence surrounding colour *codification* makes for a



quiet path. Complicating this is the fact that colour really does resist codification: “[t]he first thing to realize about the study of color in our time is its uncanny ability to evade all attempts to systematically codify it,” pens Charles Riley in *Color codes* (1995, p. ix), and so the question of *how* to trace colour’s communication is particularly marked. Present, too, is the reality that colour ‘communication’ seems to pale in comparison to the other mainstream media addressed by the field; and in light of this, the dissertation strives throughout to validate the case for securing hue within the spectrum of communication studies—a spectrum that (ironically) seems to have little place for colour itself.

Even though communication studies may overlook colour, various approaches to the field can be brought to bear on the topic of colour communication: law and communication and communication history; theories of networks and flows of information and ideas of information infrastructure; concepts of the two-step flow and of elite control; commodification models of communication and visual studies; semiotics and theories of communication as ‘prop’—in short, virtually all views of communication find applications to *colour communication* hidden within. The task at hand is to exhume these applications and bring them to the fore.

Colour codification and colour communication, I argue, cannot be fully explained by a single theory of semiotics or cultural studies, nor can they be understood by looking solely at the legal literature. A range of literature is thus brought to bear on the research because, while the question of *how* colour communicates animates the entire project, it cannot be answered outright. The solution must be teased out by viewing the multiple

ways that colour is both constrained and bursts free of attempts to hem in its vibrant, multiple meanings. As such, the project explores perspectives that have to do with *controlling* hue, not merely speaking of it.

My strategy follows the method of both Charles Riley in *Color codes* (1995) and communication scholar John Durham Peters in *Speaking into the air* (1999). Riley, like many other scholars interested in colour, begins by acknowledging the difficulty (if not the impossibility) of adequately theorizing colour. Yet this ‘resistance’ to a unified colour theory is not a roadblock to Riley; rather it energizes the aesthetic debate and becomes a fountainhead for new styles and ideas by creative minds from all disciplines. Striving to systematically ‘codify’ colour will not serve to illuminate “colour codes”, Riley argues; required instead is careful scrutiny of how philosophers, psychologists, poets, artists and architects use and understand colour. So Riley pens six detailed and interconnected essays that reveal, in various arenas, the vibrant perceptions tangled through colour—and draws certain parallels that might be found in each application. *Color codes* seeks *not* to create another theory but to broaden understanding of colour’s simmering power by tracing its assorted deployments. Stepping away from colour and turning to communication, we find a similar approach in Peters’ *Speaking into the air*, which selects a constellation of ideas (in this case, the dream of ‘ideal’ communication) and scrutinizes how it has received expression over history. Like Riley, Peters does not aim to validate an existing theory; his is an historical constructivist approach which peers through “ruptures” or “wormholes” in time to align relevant ‘instances’ that speak to the question at hand. As with Riley’s interconnected essays on colour, Peters finds thinkers (across the

ages) who have mutually struggled with the ideal of angelic communication and the reality of its breakdown or distortion. Both approaches (i.e., Riley and Peters) have resonance for this work, because the nature of this project (just like its subject matter) resists a conventional approach. Since the dissertation does not seek to validate an existing method or theory, it instead takes the problematic of colour codification and communication and strives to illuminate it. Each chapter views colour codification and colour communication from a different angle, yet the same refrain often sounds as correlate themes circulate in various forms. Chapter 1 is the anchor: introducing all of the concepts relevant to the project, it opens with a look at the most literal manifestation of colour codification—the legal trademarking of colour *per se*—and navigates through the crucial issues bound up with this approach to colour. These issues pertain to: control and colourful ‘reframing’; the signalling power of hue and its cultural construction; language games and the rhetoric of directing colour; questions of distortion; and the cultural significance of ‘owning’ colour in a particular way. Underpinning all this, of course, is the idea of *communication*. With Chapter 1 articulating the major themes, subsequent chapters view colour codification and communication from various angles: Chapter 2 provides an historical look at the legal and symbolic ‘trademarking’ of purple in Antiquity, illustrating how both a substance and colour was literally and metaphorically sequestered for use by the Emperor and his Imperial court. Chapter 3 details a considerably more modern, and less legal, history of an ‘elite’ of a different sort; namely, the Colour Elite or the ‘Emperors of hue’ who have built a thriving industry on notions of colour forecasting and standardization. Colour standardization forms a particularly commercial expression of hemming in hue, and Chapter 4 extends this commercial theme

in its look at colour use in product marketing. To a certain extent, the creation of colour codes from *within* our culture (i.e., grassroots efforts) suggests the possibility of offsetting codification by legal/commercial interests, and Chapter 5 deals with this by foregrounding the creative use of colour in public space. Lastly, in light of all of these ‘instances’ of colour control, Chapter 6 draws the codification of colour squarely into the realm of communication studies. “What about the *communication* of colour codification?” it asks, foregrounding the all-important issue of communication and colour’s implications for communication studies *writ large*. Observations on colour by Adorno, Barthes and Derrida are brought to bear on the question of colour and communication, and integrated with the other considerations of colour’s unique meaning-making properties. Their thoughts are used to push for a re-visioning of colour *within* communication studies, and to screen the particular functioning of colour codification as well.

A final introductory note: in seeking to redress the field’s whitewashing of both colour and its communication, I found great meaning in Peters’ claim that “communication” really has to do with the “task of building worlds together” (1999, p. 30) even though “communication will always remain a problem of power, ethics and art” (p. 268). *Colour communication* most certainly can assist in building these worlds; colour *codification* is what allows equally for chroma’s grand artistic gestures and baser power struggles over ownership. Perhaps Peters’ stance that “all communication...becomes a problem of mediation” (p. 64) is extra telling—for it is ‘mediation’ (through law, language, and by

corporate and public players) that endlessly works to colonize colour's vibrant signifiatory power.

## Chapter 1

### Colour codification: Law, culture and the hue of communication

“[W]e can conclude, that general impressions produced by single colours cannot be changed...”

*Goethe, Theory of colours, 1810*

In March 1995, representatives of the Qualitex Company exited the U.S. Supreme Court triumphant—brandishing a newly approved trademark and exclusive rights to their own, distinctive colour. This action caused a flurry in legal circles: never before had colour *per se* received “Supreme” protection under trademark law. And while some law journals lauded the Supreme Court’s “practical” response to the needs of modern advertising (James, 1996, p. 433; see also Davidson, 1996; Coppersmith, 1996; Vistine, 1996) others called the decision “erroneous” (Kearns, 1996) or deemed the “Qualitex Monster” a “trademark disaster” (Overcamp, 1995). These critics feared that granting commercial ownership to colour would result in unfair competition in the marketplace and questioned how one can own what essentially exists as a natural phenomenon.

Prompting the Supreme Court’s decision was Section 45 of the *Lanham Act*—the 1946 Trademark Act which, 57 years ago, promised “unprecedented protection” for any “word, name, symbol, or device, or any combination thereof” that distinguishes goods in the marketplace (Carraway, 1995, p. 245). As the United States’ first uniform federal trademark law, the Lanham Act continues to set precedence for what is deemed to “identify or distinguish” specific goods (p. 245). Section 45’s sweeping language has

allowed for trademark protection of “goods” ranging from a particular shape, container or sound to a distinctive scent, but for years, the highest courts refused to trademark colour *per se*, arguing that colour in and of itself simply could not be legally protected.<sup>1</sup>

Yet in 1995 the Supreme Court unanimously overrode this categorical ban on colour trademarks. The case was unique. Qualitex Company, the petitioner, had manufactured green-gold coloured dry cleaning press pads since 1957. In 1989, Jacobson Products Company began selling an inferior quality press pad in virtually the same colour. Two years later, Qualitex registered the green-gold colour in the United States Patent and Trademark Office (PTO), claiming that the shade was, in fact, a trademark. Green-gold was a “distinctive mark of authenticity” distinguishing Qualitex press pads from all others; and this “distinction” was earned at a cost of U.S. \$1, 621,000 to Qualitex, the sum of 30 years of advertising expenditures. Customers, the company argued, identified Qualitex press pads primarily by colour. Some clients placed orders solely by describing the product’s colour.

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<sup>1</sup> It is important to note here that Owens-Corning Fiberglas Corp. was actually the first company to register a colour—pink—as a trademark in 1985. However, the Federal Circuit court granting the protection was divided, and only one other circuit court approved of the Owens-Corning decision. After much debate amongst the courts, Owens-Corning did receive trademark protection in 1988, but this did not reach the Supreme Court and was considered an anomaly within judicial circles (Overcamp, 1995; Coppersmith, 1993; James, 1996).

Trademark in hand, Qualitex proceeded to sue Jacobson Products for trademark infringement.<sup>2</sup> And while the district court ruled in Qualitex's favor, the Court of Appeals reversed the ruling on the grounds that the "Lanham Act does not permit the registration of color alone" (Kearns, 1996, p. 339). A second Court of Appeals, however, upheld the district court's decision—prompting the Supreme Court to grant certiorari to resolve once and for all whether colour *per se* constitutes a valid trademark.

Justice Breyer, writing for the Supreme Court, outlined the Lanham Act's definition of a trademark as a "word, name, symbol, or device or any combination thereof", opining that a "symbol" or "device" is "almost anything capable of carrying meaning, including a color" (James, 1996, p. 422). Moreover, Qualitex's colour in question unquestionably passed the key trademark 'test': it was *inherently distinctive* and contained *secondary meaning*—that is, the colour creates a "mental association in buyer's minds" between the colour "mark" and "a single source of the product" (Kearns, 1996, p. 340n). Since Qualitex's colour was not functional—the green-gold shade proved strictly ornamental and its "ownership" would not impact competitors' sales—the Supreme Court ruled that it *could* be protected.

For many critics, the Supreme Court's decision set a dangerous precedent for trademark law—and for the ownership of such powerful communicative media as colour. Rightly so, for this precedent has been echoed internationally: NAFTA expressly recognizes that colours may be trademarks, as does the EC Harmonization Directive and the

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<sup>2</sup> Qualitex had previously filed a lawsuit against Jacobson for unfair competition.



EC Regulations for the Community Trademark (Sarginson & Sversky, 1995). In 1996, Australia ruled that colour *per se* could be owned (Bennett, 1999) and Germany's Supreme Court followed suit in March 1999 (*Germany overturns*, 1999, p. 6). The United Kingdom, too, allows for colour ownership. And although Canada's Supreme Court has yet to rule on this issue, the basis for a similar decision is certainly in place, for the Canadian Trademark Act is worded such that there is no reason in law why colour trademarking should not be possible. Given this, Goethe's careful determination made in 1810, "that general impressions produced by single colours cannot be changed" (p. 305), is hopelessly dated: corporations deem that they *can* be changed and expect the courts to confirm it.

The *Qualitex* case provides an excellent starting point for drawing attention to how colour is mediated *and literally governed* by a legal domain. Specifically, the case raises the larger question of how this unique form of "communication" intersects with law—and how this impacts the painting of the commercial landscape. This chapter opens the case of colour communication by probing how colour is understood, 'spoken' and codified. It explores the hemming in of colour's symbolic meaning by the courts and by commercial actors, illustrating how our expansion and (re)interpretation of intellectual property law has allowed for colourful monopolies on one aspect of the sensorium. The question is not merely one of *how* and *why* this has happened, but also of *what* this means. In short: what are the stakes of recreating colour as a commodity, and what are the implications for its original code or meaning? What does the rhetoric of current intellectual property law work to promote and how does this impact colour's expressiveness and use within public

space? Here it remains less important to discuss a colour's dictated meaning than to scrutinize the legitimacy of the interpretation. Ostensibly, colour codification under trademark law means a flattening of colour's semiotic kaleidoscope and the simultaneous binding of communication.

### **Legal theory**

The past decade has witnessed a spate of academic inquiries into law's role in culture and its influence on the political, civic, social and symbolic environment. In the mid-1990s, Steven Redhead's *Unpopular cultures* suggested we reconsider law's functioning within the popular sphere. Law, claims Redhead, has "disappeared" into popular culture; and as such, it makes little sense to discuss the boundaries of law and of culture. Although Redhead's prime concerns include the aestheticisation and sexualisation of everyday life *and its regulation*—he navigates "the terrain where legal theory, deviance and cultural studies collide" (1995, p. 100)—*Unpopular cultures* is pertinent to this study for emphasizing the need to view law and representation as mutually constitutive. James Boyle (1996) made a similar appeal in his engaging analysis of law's role in the construction of the information society. Discussing topics ranging from intellectual property law and insider trading to blackmail and stolen spleens, Boyle's "expansive" concept of law reaches beyond a host of rules or the notion of law's social effects:

[L]aw should be seen as a complex interpretive activity, a practice of encoding and decoding social meaning that merges imperceptibly with rhetoric, ideology, 'common sense,' economic argument... with social stereotype, narrative cliché and political theory of every level from high abstraction to civics class chant.

(Boyle, 1996, p. 14)

From this perspective, both the legal system and the decisions substantiating it reflect our society's fundamental cultural assumptions. "Legal materials, the arguments used to interpret them, and the [surrounding] scholarly discourses", for Boyle, "...offer a microtomic slice through a complex, socially constructed reality" (1996, p. 15). Worth noting is Boyle's rejection of functionalist analyses, in addition to all accounts that dub one area of social life (i.e., the economy, patriarchy, the means of production) the "real" determinant of history. Instead, Boyle tackles the "modest" goal of mapping the "normative topography" or "geography of assumptions" (p. 15)—that craggy terrain in which issues are framed, possibilities foreclosed and so forth. Only in this geography is critique helpful, for an awareness of our social reality is what opens up the possibility of change.

Mapping in search for the "microtomic" social slice: this expedition characterises many academic probes into law and culture. Perhaps it is a sign of our particular postmodern moment that many of these texts remain preoccupied not merely with mapping the topography, but also with discussing *boundaries*—especially the collapsed ones. As earlier noted, Redhead believes the boundaries between law and popular culture have disappeared, while Boyle observes a merging of law with all levels of culture. Validating this observation is Richard Sherwin's *When law goes pop: The vanishing line between law and popular culture* (2000), as well as Kembrew McLeod's excellent analysis in *Owning culture* (2001), which details the myriad ways (from appropriations of indigenous knowledge and folk songs to genetic engineering of crops) that corporations use law to wield power over virtually all aspects of cultural production.

Nelken's (1996) edited text titled *Law as communication* narrows the perspective, offering various approaches to theorizing law as communication; she observes that the "existing lines between perspectives are often arbitrary" (1996, p. 14)—the boundaries prove less than watertight.

Paul Kahn's perceptive analysis in *The cultural study of law* (1999) takes a different approach. "Rethinking" legal scholarship (particularly the rule of law) in light of culture requires a consciously created distance between the observer and the object of study. Just as 18<sup>th</sup> century scholars were too close to Christianity's goals, failings and ideals to truly study its social functioning (1999, pp. 2-3), today's legal scholars find themselves mired in the desire to *reform* instead of observing the world formed by law. Kahn acknowledges that ironic predicament created whereby in "[s]tudying the law, we become a part of it" (1999, p. 2) when what is really required is an objective distance. There are no boundaries, so the scholar must install a tidy window to view the cultural legal scene: if the boundaries have collapsed, one best (re)construct them. This surveillance is not meant primarily to critique or reform, instead to stand with the aim of "understand[ing] who we already are" (p. 2).

Even an historical understanding of law might benefit from a 'rethinking'. Certain scholars have observed the need for a broadened perspective on law itself to consider the many sumptuary laws that historically intersected with other forms of governance and saturated our culture. Sumptuary law, a widespread form of pre-modern law, typically regulated and restricted people's social appearance and activities; the laws prohibited,

among other things, the wearing of certain types of clothing or fabrics or the consumption of particular foods (Hunt, 1996). *Understanding* sumptuary law as part of a sociology of governance, moreover, can reveal the law's capacity to penetrate everyday life on a remarkably personal level (p. 12). Taking a different perspective, Austin Sarat and Thomas Kearns suggest that a rigorous historical analysis needs, fundamentally, to acknowledge the fluid boundaries between law, the past and present and history and memory (Sarat & Kearns, 1999). This means adopting an "internal perspective," a view that probes how law *actively* uses and creates history and how law actually stands as history's "author" (1999, p. 2). Law has its own history, but it also *makes* history by constructing and using the past "to authorize itself", to make policy and to legitimize court rulings (1999, p. 3). Using precedents to justify decisions is one conspicuous illustration of how the fingerprints of history continually mark the present. Yet this internal perspective, it should be noted, hinges on the existence of space. There is no boundary between law and history and culture, which allows the "authoring" to be penned both ways, to thrive via history and through law.

Perhaps the most astute observation on the law/culture interplay comes from Rosemary Coombe, who dismisses the need to formalize their connection. "The relationship between law and culture should not be defined" (Coombe 1998a, p. 21) because it consolidates and encourages the reification and naturalizing of *both* concepts.

Understanding law and culture's mutuality means dismissing the "boundary" question entirely and striving, instead, to "transcend and transform its initial categories" (1998a, p. 21; also 1998, p. 9). This means that one first must understand law and culture as part of

a larger (dominating) power structure that works to silence “counterfactuals”—that is, “the missing, the hidden, the repressed, the silenced, the misrecognized, and the traces of practices and persons underrepresented or unacknowledged in its legitimations” (1998, p. 9). Required for Coombe is a “mutual rupturing—the undoing of one term by the other” (1998a, p. 21), which allows the apparently “natural” categories of “law” and “culture” to be transcended and transformed (p. 21).

Coombe’s “mutual rupturing” provides an interesting strategy for probing the relationship between colour communication and trademarking under intellectual property law. Her “undoing of terms” seeks to reveal how law regulates culture and how culture helps one to decipher law. Yet it seems questionable, given today’s commercial and legal climate, whether the *language* of the “rupture” or “undo” best describes scholarly approaches to culture and law. Coombe’s wording makes sense given her focus on a critical cultural studies of law, which scrutinizes (among other things) the various tactics of legal appropriation and alterity by the silent, absent or marginalized; here, rupturing European bias and blinders, patriarchal domination or elitist authoring is seen as highly desirable. However, the legal regulation of culture and the cultural understanding of law, I believe, is less a mutual rupturing than a soldering of certain tendencies.<sup>3</sup> Coombe observes that:

The law freezes the play of signification by legitimating authorship, deeming meaning to be value properly redounding to those who ‘own’ the signature or proper name, without regard to the contributions or interests of those others in whose lives it figures. This enables and legitimates practices of cultural authority that

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<sup>3</sup> Note that it is Coombe’s language choice or wording that is being questioned here, not her research or research goals.

attempt to freeze the play of difference (and difference) in the public sphere.

(Coombe, 1998, p. 8)

Her conviction that “[t]here is little purchase... in constructing an ideal bridge to join two autonomous realms of ‘law’ and ‘culture’” (pp. 8-9) proves indisputable, yet it is equally important to recognize that the bridge *does* indeed exist—law reinforces tendencies and biases found in culture and culture equally supports law. Given this, one should examine the planks with an eye to *understanding* instead of dismantling the structure. (While far from “ideal”, the bridge already stands!) Stated in spirit of the literature discussed above, no real “boundaries” between culture and law exist because law permeates culture, both influencing and being influenced. So it makes sense to forsake the language of boundaries and ruptures and instead to understand law as if woven through the cultural tapestry or comprised of “waves of discourse” (Dorland & Charland, 2002).<sup>4</sup> These weaves or waves allow us to acknowledge the mutually constitutive nature of law and culture while observing the lapping discourses within business, the courts, the legal “word” and our semiotic world. The reference to discourse here is apt, for in the case of colour trademarking, it is through a language-based paradigm (rhetoric and word games) that businesses, supported by the courts, strive to capture the communicative properties of colour.

It is one thing to affirm that colour communicates; it is another to approach the codification of colour through the lens of communication studies. Much research on

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<sup>4</sup> Dorland and Charland (2002) draw this phrase from John Conway, where the law’s “waves” include politics, culture and the writing of constitutions. In my analysis the “waves” obviously have different definitions.

intellectual property and communication fixates on mass media regulation, asking how law deals with the emergence and development of communication technologies such as film, radio (White, 1999), cable television, the video cassette recorder (Bettig, 1996) and the internet (Calvert, 1997), as well as how law regulates the information society and/or cyberspace (Boyle, 1996).<sup>5</sup> But communication is more than technology, and some of the more creative probes deal with the expressive capacity and regulation of less “wired” forms. Trademarks, for instance, serve as powerful communicators whose images provide a common lexicon that fuels both consumption and social critique (see Coombe, 1998, Dreyfuss, 1990; Coombe & Herman, 2001); and even the senses themselves (hearing, sight, touch, smell and taste) can play a key communicative role in expressing legal meaning in “performance cultures”, cultures having little or no experience with writing (Hibbitts, 1992). These studies flag possible avenues for original and/or timely research in areas largely overlooked by communication researchers. Yet following these threads of thought requires an unfettered perspective on communication theory, one along the lines of that proposed by Durham Peters (1999) who uses it “not to refer to any extant practice of inquiry, but in a loose, ahistorical sense for a vision of the human condition as in some fundamental way communicative” (1999, p. 10). Peters’ definition (re)validates the scrutiny of *all* forms of communication (images, sound, scent, taste, colour, etc.)<sup>6</sup> and encourages a more rapt attention on the non-technological media colouring and shaping

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<sup>5</sup> The authors listed in this section are not necessarily communication scholars, although their subject matter pertains directly to the communication field.

<sup>6</sup> Raymond Williams advocated an equally broadened view nearly four decades ago in his oft-cited definition of communications as “the institutions and forms in which ideas, information, and attitudes are transmitted and received” (1962, p. 9). These forms include tombs, hieroglyphics, writing, coins, stamps, flags, and clocks as well as the radio, television, cable, computer, internet and so forth.



today's social reality. This, too, means acknowledging (however grudgingly) that what came *before* the internet, the television and the radio (etc.) is just as important as what is here now, and that the much discussed topic of "mediated communications" requires a broader understanding since *all* communication grapples with the problem of mediation (Peters, 1999). A wider perspective brings back into focus "communication" (such as colour) that has always signified but fell between the cracks due to the field's mediacentrism. Ironically, this renewed focus will restore particular communicative forms to their rightful position alongside other media since "media" in nineteenth-century usage "often meant the five senses" (Peters, 1999, p. 156).

### **The (court) doors of perception**

Perception itself is culturally constructed and coded (Classen, 1998), and so it seems but a small step to the cultural *codification* of colour perceptions through law. But that small step has giant implications. Legal and cultural codification does intertwine, yet legal codification confers a power and authority that allow "owners" to wrest meaning from the culture and also bend its form.<sup>7</sup> Law's power over signification in the colour trademarking case means reconstructing perception as property, sliding hue into the realm of the hegemonic.

Attempts to "own" a particular colour are not new, however. American legal cases pertaining to colour *per se* protection trace back to 1906, when Leschen & Sons Rope Co.

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<sup>7</sup> Coombe observes: "The law legitimizes new sources of cultural authority by giving the owners of intellectual property priority in struggles to fix social meaning" (1998, p. 26). As such, law both provides and shapes social meaning (p. 28).

claimed rights to the colour blue when woven into wire rope. This inaugural case was the dawn of commercial petitions for colour ownership: in 1906, Diamond Match Co. requested the exclusive use of red on match heads; in 1920, Coca Cola desired protection of a dark colour in a beverage; and in 1949 Campbell Soup sought a monopoly on red and white soup labels. In 1950, Life Savers wanted ownership of certain candy wrapper colours; in 1963, Teweles Seed Co. requested registration of blue for grass seed; and in 1986, Kraft requested the exclusive use of royal blue on silver packaging for its Klondike bars. The following year, First Brands Corporation desired the sole use of yellow for antifreeze containers. Perhaps one of most provoking and presumptuous cases surfaced in 1990, when NutraSweet Co. entered the courtroom contending that “the accepted market understanding is that pastel blue means ‘Equal,’ pink means ‘Sweet ‘N Low’ and yellow means ‘Sugar Twin’” (Kearns, 1996, p. 355n); and given this, NutraSweet deserved rights to all shades of blue for its sweetener.

Although all these applicants were denied registration, they reveal a long-standing preoccupation with owning colour. But this preoccupation stretches back even further in history—back to the heated patent debates over fuschine in France in the 1860s (Travis, 1993; see also van der Belt, 1992); back to 1856 when Englishman William Perkin “invented” and patented mauve, a dye derived from coal tar (Garfield, 2000); back to 1818 when the American Edward Bancroft patented the yellow quercitron (Garfield, 2000); or back further to 1766, when Englishman Dr. Cuthbert Gordon patented *cudbear*, a colourful dye comprised of various lichens (Druding, 1982). Before this, Henry VIII’s Law of Arms regulated the colours used in heraldry (Velde, 2000); and in

1464 Pope Paul II introduced the “Cardinals’ Purple” for use by the First Estate (Druding, 1982). Even the Ancient Greeks and Romans displayed a passion for controlling and codifying colour. Purple (*purpura*), was the “most obviously prized hue... in Antiquity” (Gage, 1993, p. 16) and its “most enduring status symbol” (Reinhold, 1970, p. 71). Royal attempts to restrict purple’s use emerged as early as 6<sup>th</sup> century B.C, and flourished until the colour ultimately tinted the Roman language, proclamations, birth chambers and catacombs, as well as its cloth. By the decline of the Roman Empire, imperial purple *was* the hue of royalty, sequestered by the imperial court as emblematic of royal luxury and power, and circulating in the lexicon as a synonym for the Roman Emperor.

Despite the historical preoccupation with owning colour, the current codification of perception has a distinct gloss, opaline (or opaque!) because *perception itself has come under observation by the law*. Colour’s symbolic properties have long been acknowledged, and history is crayoned by attempts to use colour for particular socio-political goals.<sup>8</sup> *Mauve* was recently knighted as “the colour that changed the world” (Garfield, 2000), but so was blue (Palmer, 1999). And while both hues presumably duke it out over who is the most imperialistic crayon in the box, other arguments position colour as “bound up with the fate of Western culture” (Batchelor, 2000, p. 22), but also “systematically marginalized, reviled, diminished and degraded” since Antiquity (p. 22). Colour thus is divided; its stain becomes either a transformative symbol of power or a

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<sup>8</sup> See Gage’s (1993) thorough and meticulous tome on colour’s role in culture throughout history. Also see Pastoureau (2001), Batchelor (2000), Palmer (1999), Classen (1998; 1993), and Reinhold (1970).

scarlet letter. But now the legal system has written colour into its code—and this means that whether transformative or marginalized, colour’s symbolic dimensions can be structured, controlled and (ultimately) reconfigured by its treatment as a commodity.

In catching the eye of the court, colour operates on various planes of perception. *Literal perceptions* of hue belong to the realm of the senses, and have been scrutinized and explained by thinkers such as Aristotle, Newton and Goethe. *Cultural perceptions* of hue assume various shades depending on the historical context (see Ball, 2001; Batchelor, 2000; Birren, 1963; Eco, 1985; Gage, 1993, 1999; Garfield, 2000; Riley, 1995), a fact acknowledged very early on (in 5<sup>th</sup> century B.C.) by Democritus who claimed that colour, like taste, “exists by convention”. Even though we lack a consistent, intelligible code of colour meaning (Eco, 1985; Riley, 1995; Pastoureau, 2001), colour’s historicity is crucial to understanding its semiotics (Gage, 1999, p. 8; Ball, 2001, p. 3). *Legal perception* of colour, however, is entirely new. Requests for colour ownership (as noted above) have historically come before the law; but until *Qualitex* they were generally dismissed outright: colour itself was not a court issue. Now, the court Doors of Perception have opened—to a brave new kaleidoscopic world of trademarked hues and commodified colour.

### Allegorical colour and language

Red is the boldest of all colours. It stands for charity and martyrdom, hell, love, youth, fervour, boasting, sin and atonement. It is the most popular colour, particularly with women. It is the first colour of the newly-born and the last seen on the deathbed. It is the colour for sulphur in alchemy, strength in the Kabbalah, and the Hebrew colour of God. Mohammed swore oaths by the ‘redness of the sky at sunset’. It symbolizes day to the American Indian, East to the Chippewa, the direction West in Tibet, and Mars ruling Aries and Scorpio in the early zodiac. It is the colour of Christmas, blood, Irish setters, meat, exit signs, Saint John, Tabasco sauce, rubies, old theatre seats and carpets, road flares, zeal, London buses, hot anvils... strawberry blondes, fezes, the apocalyptic dragon, cheap whiskey, Virginia creepers, valentines, boxing gloves, the horses of Zechariah, a glowing fire, spots on the planet Jupiter, paprika, bridal torches, a child’s rubber ball, chorizo, birthmarks, and the cardinals of the Roman Catholic Church...

So argues Alexander Theroux in *The Primary Colours* (1994)—“a hundred freewheeling pages” that jumbles colour with “folklore, pop-psychology, pop-ethnology, art, science and marketing” (Gage, 1999a, p. 110). Red, here, is a bottomless pit of connotations, but so are blue, yellow, orange and purple (etc.), according to colour symbolism books in the popular press. This makes colour symbolism a generally messy business, for hues are infused with countless powers and signaling functions. Colours can become cultural metaphors, the *Mauve Decade* synonymous with American life in the 1890s (Beer, 1926) or the *Taupe Age* describing the 1930s depression era (CMG, 2001). French artist Yves Klein also saw his culture in hue, exhibiting his ‘Proclamation of the Blue Epoch’ in 1957 with eleven paintings in vibrant, synthetic blue (Ball, 2001, pp. 1-2). And the design book *Living colors* (Walch & Hope, 1995) presumes, rather questionably, to

provide “the definitive guide to color palettes” through *all* the ages, from Antiquity to postmodernity.<sup>9</sup>

Cultural metaphors aside, colours can indicate social class or rank, through dress colours in Ancient Greece and Rome (Houston, 1959), Medieval England and France (Houston, 1939) and the court of Elizabeth I (McCracken, 1985). Heraldry in Western culture also relied on a highly evolved colour system, where tinctures symbolized lineage, noble deeds and achievement (Birren, 1963, pp. 46-8; Gage, 1993, pp. 79-82).

Obviously, the difficulty with colour symbolism stems from its infinite potential to signify. Joseph Albers’ *Interaction of color* explains that if you mention “red” to 50 people, they will each think of very different reds (Albers, 1963, p. 3)—a perceptual difference that also alludes to the innumerable *symbolic* readings possible within ‘red’. Theroux’s extensive description of red, for instance, still overlooks a myriad of meanings found in today’s commercial culture: red stands for Coca-Cola, Pringles, Heinz Ketchup and Kit Kat. It is the liquid of Code Red Mountain Dew, the jiggle in cherry Jell-O, the new hue of Kellogg’s “improved” Apple Jacks. It is Levi’s Red Tab and the classic Nike swoosh. All of these signifieds make it difficult to attest to what a particular colour *means*; instead our endless “red” connotations clearly illustrate what

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<sup>9</sup> Walch and Hope’s (1995) “definitive guide to color palettes through the ages” is questionable, particularly given the project’s methodology. The authors present 80 palettes created to represent “the greatest influences in the graphic history of Western civilization” (p. v), yet fail to provide evidence of why each particular palette selected ‘definitively’ represents an ‘influential’ colour moment in 4000 years of history. The book takes the palette of a *single* illustration within the Limbourg brothers’ *Tres Riches Heures*, for example, and presents it as representative of the entire 15<sup>th</sup> century colour scheme.

Goethe calls the *allegorical* application of colour, which is based largely on appropriation and caprice. “The meaning of the sign must first be communicated to us before we know what it is to signify” (Goethe, 1997, p. 351). Yet colour’s symbolic vista is large, which creates certain methodological challenges in its study. Semiotic theory may *seem* like an obvious choice for probing chromatic meaning when in fact it has marked limitations. Semiotics roots meaning formation in a unified referential sign system and as such, the “correct” understanding of “blue” becomes decidedly muddled since blue’s “sign system” is *anything* but unified. Consider writer-philosopher William Gass’ “understanding” of blue, which demands we contemplate all of the following:

Blue pencils, blue noses, blue movies, laws, blue legs and stockings, the language of birds, bees, and flowers as sung by longshoremen, that lead-like look the skin has when affected by cold, contusion, sickness, fear; the rotten rum or gin they call blue ruin and the blue devils of its delirium; Russian cats and oysters, a withheld or imprisoned breath, the blue they say that diamonds have, deep holes in the ocean and the blazers which English athletes earn that gentlemen may wear; afflictions of the spirit—dumps, mopes, Mondays—all that’s dismal...

(Gass, 1976, p. 3)

Dismal or not, Gass has touched on something important—the notion that “understanding” blue has much to do with language and rhetoric and with what we call things. This may seem counterintuitive (*as if* chroma can be contained by words!) and many writers have placed colour beyond the limits of language. John Gage’s *Colour and meaning* (1999) recognizes the “highly problematic” association of colour with verbal expression (21), which echoes his earlier *Colour and culture* (1993) in “the feeling that verbal language is incapable of defining the experience of colour” (p. 10). Charles A. Riley’s *Color codes* observes that “colour refuses to conform to schematic and verbal systems” and Jacqueline Lichtenstein concurs in *The eloquence of color*: colour is “a

pleasure that exceeds discursiveness” (cited in Batchelor, 2000, pp. 81, 83). Wittgenstein “saw in colour the outer limits of language” (p. 83) while Dave Hickey viewed colour as a tiny escape, since “when colour signifies anything, it always signifies, as well, a respite from language and history” (p. 81).

These authors are not entirely wrong—a colour’s *pleasure* may “exceed discursiveness”—but it is the discursive that secures colour’s cultural meaning. For Gass, “blue” has mostly to do with the speech used, the words that hem in the hue.

Blue’s “language” is expansive:

For our blues we have the azures and ceruleans, lapis lazulis, the light and dusty, the powder blues, the deeps: royal, sapphire, navy, and marine; there are the pavonian or peacock blues, the reddish blues: damson, madder and cadet, hyacinth, periwinkle, wine, wisteria and mulberry; there are the sloe blues, a bit purpled or violescent, and then the green blues, too: robin’s egg and eggshell blue, beryl, cobalt, galucous blue, jouvence, turquoise, aquamarine. A nice light blue can be prepared from silver, and when burned, Prussian blue furnishes a very fine and durable brown. For our blues we have those named for nations, cities, regions: French blue, which is an artificial ultramarine, Italian, Prussian, Swiss and Brunswick blues, Chinese blue, a pigment which has a peculiar reddish-bronze cast when in lump-form and dry, in contrast to China blue which is a simple soluble dye; we have Indian blue, an indigo, Hungarian, a cobalt, the blues of Parma and Saxony, Paris, Berlin, and Dresden, those of Bremen and Antwerp, the ancient blues of Armenia and Alexandria, the letter made of copper and lime and sometimes called Egyptian, the blue of the Nile, the blue of the blue sand potters use...

...And as for our blues we have those named for persons, processes, and earths: Hortense, Croupier, Blackley blue and Chemic, Imperial or spirit-blue, Raymond or Napoleon blue, night blue or Victoria, Leitch’s blue, Schweinfurth’s or Reboulleau’s blue, Monthier’s blue, which uses ammonia, Elberfeld, Eschel, Gentiana blue, Gold blue, Guernsey, Guimet, Humboldt and the coal-tar colors, Aniline, Alkali, Anthracene blue, Alizarin blue, paste blue, vat blue, fast blue, the fluorescent resorcinol blues, milori, vitriol, blue verditer, slate and steel blue, all the grays, gun-metal, asbestos, and then the bluish shades of verdigris...

(1976, pp. 58-60)



What is one to do with this host of hues? “Blue” has shattered into a thousand blues, each fragment (apparently) distinct *if* we only knew the difference between Alizarin and milori or the details of the blues of ‘vat’ and ‘fast’. This reads, perhaps, as merely a language game—a blue by any other name would *look* the same—yet what would it mean? Allegorical applications of colour, those “capricious” applications that demand we communicate colour’s meaning “before we know what it is to signify” (Goethe, 1997, p. 351) do require language games. These games make colours *mean*.<sup>10</sup>

And so colour’s narrative function splashes through our socioscape. Blue (or red, or yellow, etc.) plays conceptual games. It clings to ideas, reflects moods and inspires phrases (and slang). But the important puzzle here is not symbolic, psychological or aesthetic. The puzzle is cultural, and necessarily plays out through language. Discourse secures colour’s cultural meaning and now, in a process of increasing complexification, the language games of colour have been hemmed in by the “language games” of (intellectual property) law and the court. How and why this has been done is the focus of the next section.

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<sup>10</sup> Allegorical colour meanings have deep roots. Historically the “allegory” often was viewed in material terms. Empedocles, in 5<sup>th</sup> century Greece, deemed colour the soul of life and the origin of existence. Yellow, black, red and white were manifestations of the four elements, earth, air, fire and water, respectively (Brusatin, 1991, p. 24). Democritus, too, created a literal/allegorical function for colour. White was a function of smoothness; black was a function of roughness; red was a function of heat; and *chlōron* was “composed of both the solid and the void” (Gage, 1993, p. 12). Later, Aristotle theorized that colour exists as an actual property of surfaces (not as a sensation produced in the eye): *De coloribus* explains that the elements have colour: air and water are white, fire and sun are golden yellow, the earth is “dyed” with assorted colours, and black indicates elements in transition (Kemp, 1990, p. 264).

## Law games

“Adieu: I do not know what we shall achieve here; but I can promise  
you a noble language”

*Tallyrand, 1814 (Letter to Madame de Stael)*

“If there is no meaning in it, that saves a world of trouble you know,  
as we needn’t try to find any”

*King of Hearts, Alice in Wonderland*

Trademarks emerged in the middle ages as a marketing tool of the merchant class and were used to indicate the source or origin of goods. Principally, a trademark “distinguishes the products or services of one trader from those of another” (Kratz, 1998, p. 75) and ostensibly it protects consumers by signaling the quality of products or services. A trademark thus simplifies the decision-making process; through it consumers can select products they have come to know and trust while avoiding those of inferior quality. But modern trademarks have grown beyond this. No longer merely the symbol of source, origin or quality, trademarks have become “products in their own right, valued as indicators of the status, preferences, and aspirations of those who use them” (Dreyfuss, 1990, p. 397). Deemed “the emerging lingua franca” of commodity culture (397), trademarks comprise a value-laden yet tightly controlled vocabulary with a global reach.

This “lingua franca” exists primarily because of intellectual property laws, which have allowed trademark owners to secure rights to a mark and fix its meaning. Certainly, this meaning may be challenged or reconfigured by social actors who use “altered” trademarks to convey anti-establishment messages or provide critical commentary (see, for example, Coombe, 1998; Klein, 2000); and trademarks may also provide a space for

creative expression or community building (Coombe and Herman, 2001).<sup>11</sup> But the language of the trademark must first be established and widely understood before alterations of that mark will actually mean anything. So the public *lingua franca* of trademarks fundamentally stems from the language of statute and the courts; in the colour case, courts and corporations have recreated the cultural communicator of hue into a commodity symbol through rhetorical means. This is a complex and layered language game indeed.

Qualitex Company's colour trademarking battle provides a compelling case in point. As earlier noted, the U.S. Supreme Court based its decision on a re-reading of its 1946 trademark statute. Section 43 of the Lanham Act defines a trademark as "any word, name, symbol, or device, or any combination thereof" used to "identify and distinguish goods" in the marketplace and it was the *language* of the statute that prompted the Supreme Court to break precedent and allow for colour *per se* registration. Read literally, Section 43's language does not preclude the registration of colour alone—and since the Lanham Act does not explicitly deem colour "unregisterable" the Court reasoned it could be owned. Over time, a "color [could] come to identify and distinguish the goods—i.e., to 'indicate' their 'source'—much in the same way that descriptive words on a product...can come to indicate a product's origin" (Davidson, 1996, p. 870). Congress bolstered this logic by referring, again, to language: "[n]o trade-mark...shall

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<sup>11</sup> Coombe and Herman's article (2001), "Trademarks, consumer politics and corporate accountability on the World Wide Web", focuses specifically on the creative use and application (or appropriation) of trademarks by public actors in a digital context—and the resulting challenges to that use by corporate players.

be refused registration...on account of its nature” unless it is expressly excluded by the Act (Vistine, 1996, p. 618).

Unrestrictive language, then, opened the doors for colour registration. Opened too is a Pandora’s box full of rhetorical issues as hue is twisted to suit the whims of trademark law and the visual is constrained within legal discourse. According to the Lanham Act (or the Canadian *Trade-marks Act*, for that matter) trademarks must fulfill the two primary requirements of distinctiveness and non-functionality, and the potential holder of the mark must use or *intend* to use the mark to identify and distinguish his or her goods in the marketplace. Registered trademark owners enjoy: 1) exclusive rights to use the trademark; 2) protection from the use of a confusingly similar trade-mark by another; and 3) protection from having others use the trademark in a manner that might depreciate the goodwill attached to it or harm its reputation. Let’s sidestep, for the moment, whether Owens-Corning *should* have exclusive rights to ‘pink’ fiberglass or whether Qualitex *should* monopolize green-gold in the field of dry cleaning products to deal with how language applies to the issue of colour trademark confusion. Courts, quite simply, are used to dealing with words. “Two words, in simple visual appearance, are either identical or they are not. ‘HUGGIES,’ for example, is simply not the same word as ‘DOUGIES,’ despite the similarity in sound” (Kearns 1996, p. 337). Neither are “Cheracol” and “Syrocol” (cough syrup) or “Bonamine” and “Dramamine” (motion-sickness remedies) although the courts still needed to determine if the two words were “confusingly similar” to American customers. To some lawyers, “differences between shades are intellectually no different than minor changes in spelling, meaning, punctuation or sound between similar word marks” (Coleman, 1992, p. 349)—but this is

false, because spelling and punctuation and words can be objectively evaluated. Colour, on the other hand, is a matter of perception and hues will appear different depending on lighting and the surrounding environment. What if a trademark dispute emerges over shades of mauve... and mauve? Lawyer Andrew Coleman argues that courts should rely on “colour experts” to help determine if “an allegedly infringing colour is so substantially similar to a currently used or registered colour that it is likely to cause confusion in the marketplace” (Coleman, 1992, pp. 349-50). The premise is absurd: bring in professional colour perceivers to determine whether joe or jane consumer will be confused by his or her own perception. Justice Breyer, in the Qualitex case, offered a different solution to shade confusion. “Legal standards exist to guide courts in making such comparisons,” he opined, yet remained silent as to what those standards might be. Part of the procedure for determining future infringement cases might entail creating “constant lighting conditions” whereby courts and competitors can distinguish whether two shades are too similar.

Even the trademark application illustrates the law’s inability to deal with colour, for it is rooted in the assumption that words can sufficiently capture perception. Potential mark holders must provide a *written* description of the trademark under consideration, and the registrations are printed only in black and white. Registrants, until recently, indicated if colour was a feature of the mark by checking one of eight code linings: Red or Pink, Brown, Blue, Gray or Silver, Violet or Purple, Green, Orange, and Yellow or Gold. This created a highly ironic scenario for trademarks comprised of colour *per se*. Owens-Corning, for example, coded its distinctive ‘Fiberglass Pink’ within the “Red or Pink” category. In Qualitex’s case, the debate raged over the clear distinguishing capacity of

Brass #6587, the metallic green-gold shade that is nebulously coded under “Yellow or Gold” and verbally described as “a particular shade of green gold” on Qualitex’s certificate of registration.<sup>12</sup> Although the Court downplayed the problematic issue of shade confusion, Qualitex’s certificate of registration (identifying “Yellow or Gold”) indicates a much broader understanding than Brass #6587. And even though the U.S. Trademark Office abandoned the colour lining system on October 30, 1999, its current requirement—that applicants simply submit a *written* description of the colour and where colour appears in the trademark—proves equally vague.<sup>13</sup>

The written component of the trademark application also presents certain difficulties when dealing with colour. The U.S. *Trademark Act* and the Canadian *Trade-marks Act* list registration requirements for potential trademark owners. Unconventional trademarks, such as colour, must be described in the application. Section 2.37 of the U.S. Act notes that “[i]f the mark is displayed in colour or a colour combination, the colours should be described in the application” and Canada’s Act calls for a similar description.<sup>14</sup> This means that millions of colour pigments are hemmed in by basic descriptors. Canada’s *Trade-marks Examination Manual* (Section II.6.2.3) indicates that “[t]he upper band is yellow”, “[t]he central band is green” or “[t]he lower panel is red

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<sup>12</sup> Refer to U.S. Patent and Trademark Office Certificate of Registration No. 1,633,711.

<sup>13</sup> See the amendments to the Trademark Rules of Practice published in the Federal Register, September 8, 1999 at 64 FR 48900.

<sup>14</sup> Section 28 of Canada’s *Trade-mark act* (1996) states:

(1) Where the applicant claims a colour as a feature of the trade-mark, the colour shall be described.

(2) Where the description referred to in subsection (1) is not clear, the Registrar may require the applicant to file a drawing lined for colour....

N.B. Please note that the following examples pertain to colour as a *feature* of the trademark, not colour as *the* trademark in and of itself.

with the leaf in white” all form acceptable write-ups for registrations claiming colour as part of the mark. As such, the W.M. Wrigley Jr. Company registered its *Wrigley’s Doublemint* gum in 1930 with the following written statement:

A label, pale green in colour with a border of dark green and gilt, having in or about its center the representation of a double headed spear, one head being on each end of the handle, dark green in colour with a gilt border and having the words DOUBLE MINT printed in white on the handle; above the handle of the said spear the word WRIGLEY’S appears in large red type edged with gilt; below the handle appear the words PEPPERMINT FLAVOR which are printed in red type with gilt edges.<sup>15</sup>

Northern Technologies International Corporation has an equally vague colour description in trademarking its anticorrosive plastic film. Registered in the U.S. in 1995, the company’s application for a Canadian trademark (filed March 2001) appears as follows:

Mark Descriptive Reference: Yellow Colour  
Trade-mark Description: The mark consists of the colour yellow which covers the entire surface of the goods. The matter on the drawing shown in dotted lines represents the positioning of the mark and no claim is made to it. The accompanying drawing is cross-hatched to indicate the colour yellow.<sup>16</sup>

In a third example, Minnesota Mining and Manufacturing Company registered blue as a trademark for its masking tape. The certificate simply deems the “Mark’s Descriptive Reference” as “Blue (Colour)” and the Trade-mark Description notes that:

The trade-mark is shown in the attached drawing and consists of the colour blue applied to the whole of the visible surface of the masking tape depicted in the drawing... The trade-mark is lined for the colour blue.<sup>17</sup>

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<sup>15</sup> Refer to the Canadian Trade-marks Office Registration No. TMDA049112 (Application No. 0150713).

<sup>16</sup> Refer to the Canadian Trade-marks Office Application No. 1097493. The American Registration No. is 1916424.

In one fell swoop, Gass' vast blue language—of Hortense, Croupier, Blackley and Raymond, Victoria and Napoleon, Chemic and spirit—collapse back into the singular “blue.” But his premise still holds: blue *does* have mostly to do with the speech used; in this case, the ill-defined code linings and the generalized descriptions. Trademarked blue does not, however, support Hickey's (earlier noted) perspective of colour as offering “a respite from language and history” (Batchelor, 2000, p. 81). Masking tape blue™ is boxed in by one of eight linings and makes sense *only* within the historical period that granted it.

What of Northern Technologies' “dotted lines” and “cross-hatch[ing]”, and Minnesota Mining and Manufacturing's trademark “lined” for blue? This puzzling jargon stems from the law's previous requirement that if colour forms part of the trademark, the application must provide a drawing that is a “substantially exact representation in broken lines of the object lined for color” (Bazerman & Drangel, 1999). The broken lines illustrated how colour was used on the product or package. (Solid lines, conversely, indicate that *shape* forms part of the trademark.)

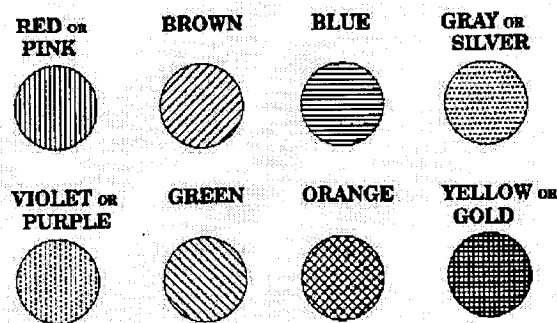
Prior to October 30, 1999, drawings submitted to the U.S. Patent and Trademark Office were solely in black and white, and designated colours with the following line or dot sequences:<sup>18</sup>

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<sup>17</sup> Refer to U.S. Patent and Trademark Office Certificate of Registration No. 2,176,916 and the Canadian Trade-marks Office Registration No. TMA535786 (Application No. 0893406).

<sup>18</sup> This code was also found in subsection 28(2) of the *Trade-marks regulations* (1996).





Source: Bazerman & Drangel, 1999

Such linings conveyed as little as the word descriptions that accompanied them. In fact, intellectual property lawyers Steven Bazerman and Jason Drangel flatly state that the “markings are too crude to fully inform the public as to the particular shade protected by a registration. The exact shade to be protected can only be found by examination of the specimen” (1999). Thus, while language and line sufficed to *trademark* colour—it was enough for the law—the public would have to seek out the colour to be informed of the precise hue that was commercially off limits.

A relatively recent Canadian trademark dispute over Bayer’s *Adalat* registration illustrates the legal bias favoring rhetoric over representation. Bayer started selling nifedipine, marketed under the brand *Adalat*, in Canada in 1982. This medication for high blood pressure and angina came in a yellow tablet. In 1987 Bayer started manufacturing the drug in extended-release tablets in a dusty rose colour under the same brand name; it sought trademark rights three years later. Bayer’s application stated: “the trade-mark consists of the colour dusty rose applied to the whole of the visible surface of the tablet... [t]he tablet shown in the dotted outline does not form part of the trade-mark” (Novopharm Ltd. v. Bayer Inc. T.D., 1999). The application included a drawing

of a circle enclosed by a *solid line* circumference and marked with vertical lines to designate the “Red or Pink” colour category. Obviously the “dotted outline” wording did not correspond to the circle’s solid line circumference pictured. Bayer amended the application, resubmitting in 1991 a new ‘circle’ drawing with a dotted line circumference. In the process, however, a greater error was made. The amended circle with dotted lines showed horizontal hatching instead of vertical: it designated blue as the trademark, not dusty rose. And so Bayer’s flawed application was advertised in the September 4, 1991 issue of *The Trade-marks Journal*, the “blue” black-and-white lined image right next to the verbal description of dusty rose. Even worse, the *Trade-marks Journal* included Bayer’s original error and published the circle drawing’s horizontal hatching encased by a solid line circumference.

It is the Registrar’s *response* to this error which reveals that (in this case about trademark rights) the *word* holds substantial power. In March 1993, Novopharm Ltd. opposed the application advertised in the *Journal*<sup>19</sup> on the grounds that, among other things, “the drawing was not an accurate representation of the trade-mark as required by paragraph 30(h) of the Act”<sup>20</sup> (Novopharm Ltd. v. Bayer Inc. T.D., 1999). Bayer’s contradictory verbal description undermined the “clarity, precision, [and] accuracy” of its application, Novopharm argued: furthermore Bayer’s claim to “dusty rose” was

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<sup>19</sup> Bayer Inc.’s trademark application No. 0657397 identifies March 31, 1993 as the opposition date; however, the 1999 *Novopharm Ltd. v. Bayer Inc.* court file (No. T-289-97) states that Novopharm filed its opposition in 1992.

<sup>20</sup> Paragraph 30(h) of the *Trade-marks Act* (1996) stipulates that a trade-mark application requires “a drawing of the trade-mark and such number of accurate representations of the trade-mark as may be prescribed” unless the application is solely for registering “a word or words not depicted in special form”.

unacceptable since colour should not constitute a trademark in the first place; even so, small round 'dusty rose' tablets are hardly distinctive in the commercial market. The Registrar dismissed each of these grounds of opposition: first, the application did not vie for dusty rose *per se*, only for dusty rose as applied to the whole outside of the tablet shown in the circle drawing; second, Bayer had established "on a balance of probabilities that the mark applied for was distinctive of its nifedipine product"; finally, and amazingly, Bayer's inaccurate drawing of the mark did not invalidate the application. Here stands a fascinating legal scenario. Bayer's dusty-rose tablets were accepted as "distinctive" of *Adalat* to "ordinary consumers." This includes not only physicians and pharmacists but also "ultimate consumers", the patients taking the drug. Yet in 1992, nearly 40 pink coloured medications for high blood pressure and angina medications were available in Canada; another 20 different kinds of pink tablets were prescribed to treat cardiac problems (Novopharm Ltd. v. Bayer Inc. T.D., 1999). Yet the trademark office was initially prepared to support that pink tablets distinctly connote Bayer Inc.! In fairness, the Registrar did not have statistics on these other pills when he dismissed Novopharm's opposition to Bayer's trademark registration; they were submitted as affidavits when the company later appealed the Registrar's rejection of its opposition. But the Registrar still made the decision that *Adalat's* dusty pink tablets were distinctive and clearly identified their "origin" and/or a single manufacturer, that patients would see the medication and mentally affirm "my high blood pressure pills are dusty rose, and so must come from Bayer" instead of "I take these pink pills for my high blood pressure." The Registrar's decision on this mental association equally applied to physicians and pharmacists, suggesting that they largely rely on a drug's colour and size

when dispensing a product instead of the label on the manufacturer's bottle. This conclusion emerged because, at the time Novopharm filed its opposition in 1992, *Adalat* was the only extended-release nifedipine product on the Canadian market (with sales exceeding \$300 million). Bayer had supplied physicians with over 17 million *Adalat* "samples" and had spent several million dollars on promotions and advertising to link the tablets with its brand name. Beyond this, Bayer produced no direct evidence that "ordinary consumers" associated *Adalat's* dusty rose colour with a single source or manufacturer. Reference to Bayer's marketing promotions and advertising costs became proof of the tablet's 'secondary meaning'. Dusty rose's colour connotation (for pills) was adduced, for the Registrar, by the rhetoric produced by the corporation and not by looking to the consumer's understanding or to the culture in which the pills circulate.

Speaking more directly to this empowered discourse was the Registrar's decision that Bayer's contradictory drawing and verbal description did not invalidate its trademark application. Here, the Registrar seemed to look through dusty rose-coloured glasses indeed, in arguing that the error in the drawing was "immaterial" and that the verbal descriptor of pink basically overrode the visual hatching for blue. Certainly both Bayer and Novopharm know that *Adalat's* extended release tablets are dusty rose *but the issue is about law and rhetoric*, not about corporate awareness of the hue of their competitor's drugs. Thankfully, the appellate court reviewing the Registrar's decision emphasized this:

When the most important element of a claim relates to colour, it is an error that goes to the heart of the mark to show a different colour in the drawing from that claimed in the verbal description. When the Registrar dismissed the opposition on this ground, he in effect amended the mark after it had been advertised, contrary to section 37 of the *Trade Marks Regulation*.

(Novopharm Ltd. v. Bayer Inc. T.D., 1999)

Too focused on the immediate corporate understanding of a hue's connotations, the Registrar overlooked the public nature of the *Trade-marks Journal*, and its significance within the wider culture. The *Trade-marks Journal* is a public document, and even if Bayer and Novopharm were thinking 'dusty rose', consumers (through Bayer's own documentation) were told both pink and blue. Consumer understanding, however, seemed inconsequential to the Registrar who effectively amended the mark behind closed doors. Important here is the public interest at stake, and the semblance of two-way communication between public and corporation, law and society. Ostensibly consumers may challenge or object to these trademark applications, but they require precise information about what is to become corporate property. Legal decisions must remain in the open. And the Register, as a public record of trademarks, must be accurate. Perhaps Bayer and Novopharm understand the 'dusty rose' intent of the application. This is irrelevant: the Register definitively outlines the trademark owner's legal rights, and in the future this Register will be used as the basis for granting or rejecting other trademark applications, *not* the presumed understanding of two corporations in 1992. Novopharm was clearly right to challenge the Registrar's decision, and happily, on October 28, 1999 the appeal stood and Bayer's trademark registration was denied. Bayer's subsequent appeal of *this* decision was also denied (see *Novopharm v. Bayer*, 2000). Initial application to final appeal, this spanned over a decade—125 months were

spent determining *if* or *how* a coloured representation had power over law's (initial) evaluation and the written word.

### **Surveying the scene**

Perception cannot be firmly grasped. But since intellectual property laws are granting rights to colour there must be a means to determine who 'deserves' some tinted property and who does not. Thus far the courts have attempted to establish secondary meaning quantitatively, relying on traditional indices of investment and branding and drawing support from consumer surveys and advertising expenditures. Numbers, seemingly, matter—even for "property" that intuitively cannot be quantified. Owens-Corning ultimately received trademark protection for a colour in fiberglass insulation by providing compelling evidence to the court of its rights to pink—"evidence" of its \$42 million, 35-year advertising campaign (Coppersmith, 1993, p. 313). Additionally, the company submitted a survey in which 50% of respondents recognized Owens-Corning as the "source" of pink insulation. As with *Adalat*, the court seemingly presumes that the "ordinary" consumer creates unsophisticated and narrow associative links—equating dusty rose round tablets exclusively with Bayer and pink insulation with Owens-Corning—even though our world is saturated with images and media messages. Even more ridiculous is the granting of trademark rights when only *half* of those surveyed, in a poll commissioned by Owens-Corning itself, could "recognize" fiberglass pink's origin. In a similar fashion, Qualitex company "proved" that secondary meaning (and a trademark) could be purchased for the tidy sum of \$1.62 million, the cost of its 30-year advertising campaign (Vistine, 1996, p. 635n). Qualitex bolstered its claim to green gold

by also submitting a poll taken 33 years after the colour's first use by the company, which found that a mere 39% of dry cleaners associated green-gold with Qualitex (Davidson, 1996, pp. 880-1).

Perhaps 39% recognition and \$1.62 million is the going rate for a colour? Or is it \$42 million and 50% recognition? Such quantitative measures are troublesome, for there is little sense of what constitutes extensive *proof* of a colour's distinctiveness in the marketplace. As companies increasingly scramble to claim colour rights, disputes over the 'numbers' constituting secondary meaning are bound to arise. Reliance on advertising expenditures as evidence of trademark rights point more to the *purchasing* of hue than anything else, and as such, we have attorneys championing colour trademarking for business reasons: "the Court's holding [in the Qualitex case] furnishes an excellent marketing opportunity for companies that use colour in a nonfunctional way to promote a product or service" (Stewart, 1995, np). Conscious of the effect on competition, the Court's decision sidesteps the *cultural* implications of trademarking colour. The Qualitex court, for instance, observed that there was no competitive need to have green-gold dry cleaning press pads, that other press pad manufacturers have used colours such as lime green, dark green, light blue, blue-grey, grey, orange, peach and brown for decades. If each of these manufacturers capitalized on the "marketing opportunity" to trademark their respective colours, shades in the colour ranges from green, blue, grey, orange and brown would be unavailable to those interested in entering the press pad market. Viable press pad colours are further restricted since they must be aesthetically appealing yet dark enough to camouflage stains.

By focusing on numbers and the marketing opportunities of colour trademarking, lawyers have inverted the original point of trademark protection—from using the mark to protect consumers to sequestering the mark to protect a company’s privileged position in the marketplace. This, of course, is not unique to colour protection although the ramifications *for* colour are particularly unique. By law, the owner of a registered trademark has sole rights to use the mark in association with the products and/or services for the country in which it was registered; also, as earlier noted, the owner has the right to be free of any use of a confusingly similar trademark. Currently in the U.S., a trademark is valid for 10 years after the date of registration and can be renewed every decade thereafter. Canada allows for a 15-year registration and renewal term, although the current IP Law Improvement Bill (to be tabled by December 2003) recommends reducing a trademark’s initial and renewal term to 10 years (CIPO, 2001). Contrary to patent and copyright protection (which is granted for a limited time), the exclusive right to a trademark endures so long as it is properly used—so when pink (or blue or green, etc.) moves from the marketplace of ideas to be trademarked in the consumer marketplace *it is permanently moved* (insofar as it continues to distinguish). This works well for word trademarks such as Coca-Cola or Frito-Lay, which have meaning *because* of the company that created it,<sup>21</sup> but (recalling Gass’ discussion of blue) it is difficult to argue that blue cola cans, blue Smarties, blue Jell-O, blue Hondas (or Toyotas, or Porsches or Mazdas or Fords) and blue press pads all share some characteristic which *justifies* their use of blue. Yet all of these blues *in themselves* could be trademarked since

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<sup>21</sup> Unlike colour, these products *originated* in the commercial market.



there is no functional reason to use the colour on any of the products listed. Here, the independence of colour, its ability to affix to and glaze countless things, to act as a cosmetic and carry multiple meanings is challenged. Law rules that colour *per se* can be trademarked, standing alone and presumably independent. However, this independence *relies* on a colour's dependence on materials, on its ability to signify a single origin and to send messages about a manufacturer. Trademark law further permits companies to create a 'family' of marks based on a common characteristic, frequently a prefix or a suffix (e.g., WordPerfect). Possibly, then, similar 'families' could be created around single colour marks. For instance, Pepsico Inc. might develop a 'family' of carbonated, sport and 'healthful' beverages using its distinct Pepsi blue and thereby gain an artificial monopoly over the colour. Since both U.S. trademark law and Canada's IP Law Improvement bill also allow marks to be filed on the basis of *proposed* use, it is equally possible for companies to remove colours from the marketplace before they even enter into it! Extending the example, Pepsico might propose the use of blue for 90% orange juice sport drinks. Blue is not a functional colour for orange juice; it does not connote oranges but it *could* signify the larger family of Pepsi products.

Monopolizing colour thus becomes a bright new marketing opportunity for corporations—colour can stand alone yet be shaped to (apparently) mean a particular service or commodity. Such are the conditions placed on colour in culture, this constant interplay between independent chroma and dependent meaning which, in today's world, also means a heavy emphasis on corporate constraint and codification. To businesses, a colour's meaning comes *not* from grassroots or community culture but from what

corporations have supplied to it, from the “brand” or source infused so deeply into the hue that the moment people see pigment their thinking is utterly coloured by a brand’s ‘origins’ and nothing else. Pink may morph into myriad forms but its meaning in particular contexts apparently remains consistent: in the field of building materials/insulation *pink* ‘means’ fiberglass by Owens-Corning; in pharmaceuticals, it apparently connotes high blood pressure tablets by Bayer. Yet consider this in light of Batchelor’s whimsical discussion on the primacy of colour:

There is a belief that objects would somehow remain unchanged in substance if their colour was removed; in that sense, colour is secondary. I might just as easily say that colours remain the same even when objects are removed; in that sense, colour is primary. When colour is more than tinted chiaroscuro, when it is vivid, it is also autonomous. It separates itself from the object; it has its own life. That car may happen to be bright yellow, but no more than that bright yellow may happen to be a car. I can imagine the car another colour, but no more than I can imagine the yellow another shape.

(Batchelor, 2000, p. 95)

Big business and the courts would have us believe that colour is primary yet a concubine to corporations. Colour *per se* can stand alone, vivid, and imagined into many shapes but always, within particular contexts, signifying the same origin. This notion is supported by several legal journals, which have applauded the Supreme Court in *Qualitex*’s case (and subsequent similar cases) for conforming its decision to fit the present day needs of manufacturers. All the while, courts have ignored the actual meaning *or* effect of the colour on the consuming public. It is the cultural implications of colour codification to which we now turn.

### **Culture. And colour codification**

What does it mean to draw colour from culture and then legally create artificial monopolies over a hue? The question, intuitively, is puzzling—for perception is a birthright and colour freely touches all we see. Courts have recently determined that certain colours may *not* be free: a rereading of the U.S. Lanham Act and a reworking of other national trademark laws has enclosed our colour ‘commons’ and made it corporate property. Actions such as these have prompted companies such as Lyons Partnership, owner of the famous purple dinosaur ‘Barney’, to sue the North Carolina based Morris Costumes Inc. for renting a female purple Hippopotamus costume (‘Hillary the Purple Hippopotamus’) and a purple reptilian costume (‘Duffy the Dragon’). Lyons Partnership has also sued other entertainers for donning purple costumes to please children. Purple (apparently) suggested the imitation of Barney and prompted the lawsuit, which further suggests that Lyons Partnership believes its corporate property to reside more in Barney’s colour than his form.

Enclosing the colour ‘commons’ has mostly to do with language—law as a language game or as Dorland and Charland’s “empowered discourse” that works through and relies on words. The words in question begin with an old 1940s Act read through contemporary eyes and interpreted with the needs of modern business in mind. A case is made because of the silences and spaces in Section 45, because of the possibilities inherent in the words “symbol or device”, because of the allure of surveys and the (corporate and legal) belief that signifiers in specific contexts have a unitary signified. And changes in other trademark laws worldwide have kept pace with our “modern” reading. Colour thus enters

the *lingua franca* of trademarks in a language game of the highest order—for it is the powerful rhetorical capacity of law, played out in the courtroom, which has transformed our kaleidoscopic colours into exclusive property. Allocating rights to colour suggests the possibility of capturing the value in a hue; it suggests colour communication is fundamentally monochromatic, best viewed as a direct transmission model without noise to jumble the meaning.

This language game has also worked to reframe our understanding of colour. Reframing, according to Wittgenstein, “does not draw the attention to anything—does not produce insight—but teaches a different game, thereby making the old one obsolete” (Watzlawick, Weakland & Fisch, 1974, p. 104). Obsolete, then, is the notion that colour exists *outside* the world of commerce: the new game views colour as a commodity, as something to stake out and survey and enclose—and to regard in terms of profit. Early court rulings dismissed petitions to own colour with the quip that “coloring matter is free to all who make it” (see *Coca-Cola Co. v. Koke Co. of America*, 1920); now, colour has commercial value. Ironically, “free” colouring has been enclosed to protect those who *already* have a vested interest in using it. Trademark holders are *not* like copyright and patent holders, who receive intellectual property protection for works that require creative energy, time and perhaps financial investment. Creators/inventors, it is reasoned, require assurance that their efforts will not be in vain, and poached by those hoping to reap profit from creative seeds they have not sown. Without intellectual property rights, creators may lose the incentive *to create* with a resulting loss to all society. Manufacturers, in contrast, do not require incentive to make their products aesthetically appealing. Their

goal to profit from the sale of commodities naturally involves colour, since it works to grab consumers' attention. Sequestering colour away for particular manufacturers *because* they have spent money promoting their product is suspect: manufacturers are in business to promote products—to sell—and certainly will not lose incentive to apply colour just because they cannot own it (nor will there be a resulting loss to society). Rewards, in short, already stem from making products aesthetically appealing.

In the end, the colour 'case' boils down to a case about communication—how colour communicates, what it says, and who should control it. Problems arise because colour, like all communication, has multiple meanings and multiple readings; it is subject to recoding and reworking and distortion. Blue has different tints of significance depending on its context: *that's* what makes it colourful. Instead of reveling in this rich signifying capacity, however, corporations (armed with trademark law) seek to subdue and constrain colour's meanings. Law "freezes the play of signification" (Coombe, 1998, p. 8), and now rules that colour communication can operate according to a pure transmission model: its 'message' is free from static or noise or distortion—and from alternate meanings or 'confusingly similar' messages, for that matter. Doubtful, it is, that colour can be constrained in this way for there will always be chromatic bursts of meaning outside of the product universe. However, the *attempt* to capture the communicative properties of colour through a commercial, legal and language-based paradigm is troubling indeed.

## Chapter 2

### Purple pasts: Colour codification in the Ancient world

“Purple is the magisterium....”

*Alexander Theroux, 1996*

The Qualitex case, in the previous chapter, served as a catalyst for probing contemporary legal issues surrounding colour codification and its implications for (colour) communication. Yet the case opens a window to more than the manifest issues of 21<sup>st</sup> century legality and competition between commodities. Qualitex also prompts us to look in the rear view mirror of modern trademark decisions to probe how the larger issues of communication and commerce, ownership and enforcement, representation and signification, have received expression over history. Although many instances of historical colour codification exist, this chapter concerns itself with ‘codification’ found in the very seedbed of Western culture—it details the prismatic history of efforts to physically ‘possess’ and metaphorically ‘trademark’ purple within Antiquity, particularly in Roman times.

At its simplest, analyzing colour codification in the Ancient World demonstrates that what seems like a fairly recent oddity or extremity in law in fact has a long history. “The present becomes intelligible as it is aligned with a past moment with which it has a secret affinity... the past lives selectively in the present”, theorizes John Durham Peters (1999, p. 3)—and even the most timid peek into the past reveals that ‘contemporary’ dialogues over colour and shade confusion, functionality and secondary meaning are not new at all. But this chapter also tackles the tricky question of communication studies,

picking up a thread of thought (emphasized in Chapter 1's conclusion) in seeking to extend the field's boundaries. As the very study of colour suggests, communication embraces a vast array of configurations and modes, *even though* contemporary communication studies generally bypass colour's communicative functions in favour of flashier (but less colourful) research on new technologies and mass media studies. This chapter, then, heeds the call to move beyond the communication field's narrow, "unduly limited dialogues of media research" (Golding & Harris, 1997, p. 9) and confined "mediacentric perspective" (Mattelart, 1996, p. x). Mediacentrism problematically "engenders a reductive vision" of communication and sacrifices too much to the media sphere (pp. x, xvii); and "[a] one-sided analysis of the media," warns Armand Mattelart in *The invention of communication* (1996), "...leads us to believe that everything happens in a sphere of high visibility, whereas in fact the major stakes of the new mode of communication are not necessarily decided there" (p. xvii). Scrutinizing colour instead works to suggest the possibility of a *different* kind of high visibility, one found in the vivid crayoning of communication history.

The plum history of the colour purple: addressing this unconventional topic requires a special approach—one best served by the historiographical method in Mary Poovey's *History of the modern fact*, which "explicitly takes a circuitous route" to pursue a particular and abstract object of analysis (1998, p. xiii). Peters' history of the idea of communication, *Speaking into the air* (1999), also uses this method, constructing an historical narrative by bringing into alignment various "constellations" of ideas found across space and time. Both scholars reject historicism—the general quest to uncover

“both the single well-defined idea and the obviously connected series of events” (Poovey, 1998, p. xiii)—and instead present a “messy history” (p. xiv) full of ideas that, in the words of Peters, “are good to think with” (1999, p. 4). Purple’s history is equally messy, and as per the historiographical method of Poovey and Peters, this researcher makes particular choices to follow that evanescent purple as it weaves through ancient times. In so doing, this history of the colour purple presents another angle of colour codification: it is interested in how the abstraction was treated, viewed and talked about, in what purple symbolized *about whom* and *to whom*, and in how this symbolism was enforced. To use the language of the law: was purple a trademark? What was its secondary meaning? Was it functional or not? Finally, was—and if so, *how was*—purple to be possessed?

Fortuitously, this look into our purple past helps to arm us against “historical amnesia” in communication studies. As Mattelart cautions:

historical amnesia... prevents us from discerning where the truly important stakes lie in the current and rapid transformation of our contemporary mode of communication. It is this rejection of history that explains why the debates on contemporary communication are so meager, so banal, and so mired in dualistic visions...

(1996, p. x)

Embracing history, this chapter seeks to add a splash of purple to the communication project.



## Purple pasts

Suppose that we were painting a statue, and some one came up to us and said, Why do you not put the most beautiful colors on the most beautiful parts of the body—the eyes ought to be purple, but you have made them black...

Plato, Book IV, *The Republic*

Plato's words of 360 B.C. capture a sensibility spanning over 3000 years—the admiration of the colour purple. Indeed, this “most beautiful” tint was widely coveted, standing as both the “most obviously prized hue... in Antiquity” (Gage, 1993, p. 16) and the “most enduring status symbol of the ancient world” (Reinhold, 1970, p. 71). Purple was a jewel box glittering with meaning—serving as a symbol, emblem or signature colour, evolving rhetorically, deployed allegorically and having a material basis.

It should be noted outright that purple (*purpura*) was not an abstraction; rather, it was a precious *dyestuff* created from particular Mediterranean shell-fish, known in Latin as the *buccinum* (*Thais haemastroma*) and the *purpura* (*murex brandaris*). Minute quantities of dye were extracted, drop by drop, from thousands of these murices and snails: it took roughly 250,000 shellfish to yield one ounce of dye (Ball, 2001, p. 225). The dyed wool, washed and boiled, was then dried on the banks of the Tyre, where the sea air oxidized and fixed the colour (Brusatin, 1991, p. 32). Although uneconomical to produce, *purpura* was coveted for its distinctive *blood-red* hue and because it was the only colour-fast dye in Antiquity (Velde, 2000a). Tyrian dipped purple wollens remained bright red even after many washings—a boon to Greeks and Romans who had an affinity for coloured clothing, in purples, blues, reds, blacks, and adorned with gold.

Two obvious distinctions arise here, distinctions that must be made regarding the phenomena of ancient colour names and the phenomena of colour ‘codification’. First, the purple of Antiquity is not the ‘colour’ we associate with the term. *Blood red* was this coveted dyestuff, a colour suggestive of bright, iridescent aerated blood, and its associations *to* blood and iridescence steep through the colour. “The Tyrian colour” affirms Pliny, “is most appreciated when it is the colour of clotted blood, dark by reflected and brilliant by transmitted light” (cited in Ball, 2001, p. 223). ‘Appreciation’ for this ‘clotted blood’ hue results from the symbolism of both red and light. In ancient times, red had great significance: “it was used in Ancient Greece as a colour to sanctify weddings and funerals and as a military colour in both Greece and Rome to strike awe into the enemy” (Gage, 1999, p. 26). Red, too, was considered the colour of the sun, and therefore was associated with light: in the Graeco-Roman world, “to be alive was to see the light of the sun” (p. 26). Purple’s iridescence embraced *all* these myriad concepts, of light and life and nobility and of blood—the very substance of life and death and lineage, and the spillage of battle and conquest. Given this rich symbolism, it is understandable how the purple of Tyre could come to be worth more than gold (Ball, 2001, p. 222).

Pliny’s views on the purple ‘most appreciated’, the colour of clotted blood, further reveals the fluid chromatic concept of purple in antiquity: the dye could yield colours ranging from blue to a host of reds, depending on the dyeing method used. But Tyrian purple “tinged with black” was most valued and cherished—its sheen and surface lustre

required special ‘double-dipping’, explains Pliny, and was far superior to the purple with a “frankly red” nuance (Gage, 1999, p. 25).

That purple was both colour *and* dyestuff is the second distinction of note. Modern day colour trademarking (and the law’s focus on this visual ‘symbol or device’ for distinguishing goods) is, at first blush, far removed from the material substance extracted from Mediterranean shell-fish. Yet one must allow that ‘codification’ of ancient purple will express different forms of control than contemporary colour codification: while certain ‘controls’ and codices on purple in the ancient world are literal, its ‘trademarking’ must be understood in a metaphorical sense.

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Purple’s prestige value traces back as far as 1500 B.C., when caravans transported the precious dye from the Syro-Phoenician coast to the East Tigris area of Nugi (Reinhold, 1970, p. 9). By the early 14<sup>th</sup> century, Ugarit proffered a purple industry and Hittite rulers demanded “tributes” of purple.<sup>1</sup> However, the purple was not ‘owned’, merely admired, and the well-heeled of the past flaunted sea purple garments as a form of conspicuous consumption (p. 11). Several centuries later, in 9<sup>th</sup> century B.C., documents of the Assyrian monarchs discuss purple, both plundered and paid in tribute (p. 14).

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<sup>1</sup> Reinhold describes this in some detail: King Niqmad of Ugarit sent King Suppililiumas of the Hittites “quantities of purple garments for the king, queen, crown prince, and ministers of the court”; and Queen Akatmilku has “fifty garments of purple wool” in her trousseau (1970, p. 10). Reinhold further notes that Ugaritic documents have “the first extant reference to purple in connection with the cult of a god” (p. 10).

‘Exchanged’ through plunder and tribute, carried by merchants and worn by warriors, purple diffuses outward to Persia, Media, Lydia, and Neo-Babylonia (pp. 16-17). By 800-700 B.C., the esteem of purple is heralded through the *Homeric* epics: ‘purple’ references are associated “only with persons of the highest social status” (p. 16). The *Iliad*’s Agamemnon wears a purple cloak, and Hector’s ashes lie in a golden urn swathed in purple garments. Odysseus, hero of the *Odyssey*, also owns a purple cloak, as does Telemachus. Nymphs and royal women in both epics weave purple tapestries and cloths (p. 16). And in the true sense of art reflecting life, the Homeric royal court apparently “accorded special prestige to the color” (p. 16).<sup>2</sup>

While interesting, this history remains unconnected to colour codification or colour ‘trademarking’, for purple’s ‘secondary meaning’ is hazy at best and ‘ownership’ has yet to even crystallize into a question. But by the end of 7<sup>th</sup> century B.C. the crystals start to form. Herodotus speaks of the purple garments offered to Apollo at Delphi as “tokens of the royal wealth of Lydia” (Reinhold, 1970, p. 17), and Xenophanes reports that the 6<sup>th</sup> century B.C. Ionian city of Colophon had a regular assembly of about 1000 people, clad in all purple cloaks. Perhaps this was “official garb of an oligarchy of 1000 in Colophon” (p. 17), and if so, it is the first record of purple used as a signifier of a political elite. By the 6<sup>th</sup> century, purple’s symbolic power begins to be channeled in a specific direction. The Persian king of Cyrus clearly did not want *all* colour to be free to all, as he sought purple as part of a royal trade-dress. Here, as with Qualitex, colour

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<sup>2</sup> Granted, a vague claim, based on sketchy evidence. While Reinhold (1970) deems that the Homeric royal court specially esteemed purple, he fails to expound on how this “accorded prestige” was manifested.

becomes a legal issue: the King claimed the white-striped purple tunic of the royal costume as his “exclusive royal symbol” (p. 18) and used legal restrictions to solidify its meaning. Restrictions also extended to the “royal” violet-purple sleeved robe, which could only be worn by subjects who received it as a gift from the king—generally members of the Persian royal court and select magistrates (pp. 18-19). Valid arguments can certainly be made that the ‘trademarked’ purple in question is *literally* an issue of *trade-dress*, as it only pertains to specific garments of a particular make—but patience, please, for the crystallization is still under way. Suffice to note that 6<sup>th</sup> century Persia introduces the concept of owning purple and of infusing the hue with the secondary meaning of *royalty*. From this point to the end of antiquity, the use of purple as official insignia grows and flourishes. Thanks to commercial and political contacts, and widespread trade between the Persian and Lydian Empire “the entire Greek world...employed purple for status purposes” (p. 22).

This said, purple’s history becomes both messy and opaque. But the colour dawns again in the Roman affluence of 3<sup>rd</sup> century B.C. where a “mad lust” for purple emerges—and stays—until the death of the Republic (p. 72). The lust seems to be fueled by Alexander the Great who, after conquering the Persians, appropriated 6<sup>th</sup> century precedent by creating a royal costume of purple. Alexander’s ensemble consisted of a white-striped purple tunic, a purple robe, and a white-flecked purple diadem atop a broad felt hat of purple. Alexander also shared his ‘purple’ with select persons, a practice which was soon reflected in language. *Purpurati*, a freshly minted term, referred to the courtiers and high officials of Alexander (pp. 29-31). Moreover, Alexander’s court was liberally

garnished with the hue. Purple rugs and canopies adorned his pavilion; his 500-strong imperial bodyguard was bedecked in purple and quince-yellow (p. 30). Alexander's royal treasury stored \$8 million worth (equivalent) of 190-year old purple robes (Druding, 1982), some of which even followed Alexander to his tomb. Like his royal successors Diocletian and Constantine, Alexander used purple as a burial shroud (Gage, 1993, p. 25).

Still, purple is not fully codified or 'marked' by legal controls. Increasingly it distinguishes the Hellenistic kings, their courts and high officials, but no royal monopolies restrict purple's manufacture or sale—nor does legislation restrict its use (Reinhold, 1970, p. 30). Particular *combinations* of clothing and insignia (especially the royal garb) were forbidden, although the hue itself remained (technically) free to all—'free' with a hefty price tag and accompanied by a symbolism that, slowly, is solidifying to mean something *more* than mere affluence. Alexander's immediate successors helped in this solidification, donning purple outer robes, purple felt hats, and diadems flecked with purple (p. 31). And they too shared 'the purple' with courtiers and officialdom—a practice fully institutionalized by the 2<sup>nd</sup> century B.C. when the *purpurati* enjoyed a slightly broader meaning. These 'friends' of the court (i.e., officials, courtiers) were literally "wearers of purple", due to their distinctive purple clothing gifted by the king. Signs of disfavor, conversely, manifested in "stripping the courtier of his purple garb" (p. 34): the 'fallen' *purpurati* also lost their purple plumage.

Purple wearing in the 2<sup>nd</sup> century was highly evolved and seriously regarded. Romans viewed clothing as a distinguished costume draped with meaning: it symbolized the distinctive character of an individual, a country, an epoch and a civilization (Houston, 1959, p. v), and these costumes would hold fast—for 400 years. Roman citizens wore the *toga pura* or *toga virilis*, an undecorated, natural coloured woolen. Candidates for public office dressed in *toga candida*, a white toga, and mourners wore *toga pulla*, a black or dark coloured dress. For the higher ranks, purple reigned: victorious generals donned the *toga picta*, a purple and gold embroidered toga (Houston, 1959, p. 92). Military officers wore the *palvdamentum*, a purple cloak, while the soldiers followed in the same style of cloak in red. The Roman Emperor alone wore the *tunica palmate*—made of rich purple silk, and embroidered in gold (p. 97). Yet it is interesting to observe that the ‘costume’s’ symbolism or mark of distinction lies *less* in the outfit than its colour. Colour and cloth distinguish citizen from candidate, mourner from general. At a glance or a distance, colour alone will signify the difference; but for the time being, purple *per se* (in the legal sense) does not exist. It remains bound to the cloth that contains it.

From *purpurati* to *palvdamentum* purple is receiving great attention. Pliny, for instance, writes of:

that precious color which gleams [*sublucens*] with the hue of a dark rose... This is the purple for which the Roman *fasces* and axes clear a way. It is the badge of noble youth; it distinguishes the senator from the knight; it is called in to appease the gods. It brightens [*illuminat*] every garment, and shares with gold the glory of the triumph. For these reasons we must pardon the mad desire for purple...

(Gage, 1993, p. 25)

Yes, pardon the mad desire for purple, but *why* exactly is colour infused with such meanings? As earlier suggested, only part of the explanation lies in the economics of making *purpura*, for colour symbolism has far deeper roots. To the (earlier discussed) ancient veneration of light and of red, might be added some notes on the philosophy of colour. Empedocles, in 5<sup>th</sup>-century Greece, for instance, viewed colour as the soul of life and the origin of existence. Yellow, black, red and white were manifestations of the four elements, earth, air, fire, and water, respectively (Brusatin, 1991, p. 24; Gage, 1993, pp. 11-12). Democritus, too, theorized that colour had a secondary purpose. White was a function of smoothness, black was a function of roughness, red pertained to heat; and *chlōron* was “composed of both the solid and the void” (Gage, 1993, p. 12). Plato acknowledged these rudimentary colour theories in the 4<sup>th</sup> century with an equally spartan rational theory of colours (which held that colour was a function of light in proportion to the dilation of the eye) (p. 12). However, it was Aristotle who fleshed out this framework, starting from the premise that colour exists as an actual property of surfaces (not as a sensation produced in the eye)—and the Peripatetic *On colours* expands on the details by explaining that the elements have colour: air and water are white; fire and sun are golden yellow; the earth is “dyed” with assorted colours and black indicates elements in transition (Kemp, 1990, p. 264).<sup>3</sup> The point is, with the groundwork laid by Empedocles, Democritus and Aristotle, the idea of colour as a

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<sup>3</sup> At first blush, it seems that varying interpretations of this exist. Gage (1993, p. 13) indicates that *On colours* classifies air, water and earth as white. Birren (1963, p. 17), however, notes that for Aristotle the earth is *naturally* white and simply assumes colouration by tincture. Proof of this, Aristotle (apparently) deems, lies in the fact that ashes turn white when the moisture “tinting” them is burned out.



function of something else emerges quite naturally. If yellow is a ‘function’ of earth or fire and black is a function of air, roughness or transition (depending on the philosopher), purple can certainly be a ‘function’ of royalty and officialdom.<sup>4</sup> Clearly colour is not a literal ‘function’; it is a figurative one shadowing the ‘secondary purpose’ of colour theorized by Democritus.

Thus far, the colour purple presents a fascinating archeology. *Purpura* dyestuff, due to its rarity and expense, is highly coveted. Yet over time the *economics* of *purpura* start to lift from the cloth. Purple, increasingly, becomes symbolic in itself as notions of royalty and official status are infused into the colour. ‘Regal’ symbolism, mild in the 6<sup>th</sup> century, deepens in hue over the third and second. Some backlash against the symbol occurs at the end of the 2<sup>nd</sup> century, stemming from the Roman tendency to associate purple garb, derogatorily, with the Hellenistic Kings and their court (Reinhold, 1970, p. 42); despite this, the widespread use of purple steadily mounts (p. 44). By the time of Caesar’s dictatorship there is a significant effort to codify and control purple’s symbolism. Caesar sought to legitimize purple as a colour of *Roman* kingship and the elite. Part of this legitimation entailed passing sumptuary laws that reserved purple-edged togas solely for wear by senators (Hunt, 1996, p. 20) and also forbade more general “purple wearing” to

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<sup>4</sup> Considering the enormously long afterlife of Aristotelianism on so many topics, it is hardly surprising that these ‘Ancient’ conclusions circulated for centuries. Aristotle’s claim that all colours were “blends of different strengths of sunlight and firelight, and of air and water” (Birren, 1963, p. 17), for instance, was vehemently defended by Goethe, whose *Theory of colors* (1810) affirmed: “[f]rom the philosopher we believe we merit thanks for having traced the phenomena of colours to their first sources, to the circumstances under which they simply appear and are, and beyond which no further explanation respecting them is possible” (Goethe, 1997, p. lviii). From this, it too makes sense to consider that colours such as green-gold might *loosely* be a ‘function’ of something else—Qualitex press pads, for instance.

all but a select few on certain days of the year (Reinhold, 1970, pp. 45-6). This legislation was not an absolute prohibition on the public use of purple, but set a precedent for later attempts to institutionalize, codify and 'own' the colour.

Subsequent decades, and rulers, generally intensify efforts to connect colour with royal power. In 36 B.C. Octavian echoed Caesar's legislation that only senators holding magistracies could wear garments of sea purple. After the battle of Actium (31 B.C.), in which Pliny speaks of purple sails on Cleopatra's flagship (Reinhold, 1970, p. 48), and during the reign of Augustus, purple remains popular but unlegislated. Nero (ruling from 56-68 A.D.) however, tightens the 'purple' reins by prohibiting the sale and use of the finest quality purple, *Tyria* and *amethystina*, so that only the royal court could enjoy its gloss. This emperor closed all of the Roman shops selling the valued purple—and even confiscated the property of a woman who transgressed the edict (Reinhold, 1970, p. 40). While Nero's death meant that purple could once again be manufactured and sold, it was in an unstable environment, for his successors were capricious in their purple prohibitions.

Far from capricious, however, were purple controls in the 3<sup>rd</sup> century. The legal codex of Ulpian defined *purpura* broadly—as all red materials with the exception of those containing the red dyestuff *coccum*, made from *coccus illicus* insect (Gage, 1993, p. 26). And Diocletian deemed the Tyrian purple workshops "imperial property". He fully sequestered the finest quality dye for his royal family and court. Art historian John Gage notes that this imperial "property" of purple was not to be tampered with:

‘[R]oyal’ purple... had come to be associated exclusively with the emperor. For anyone else to wear purple was tantamount to their plotting against the state. The ownership of any purple-dyed cloak or any cloth dyed with the finest purple or even an imitation of it incurred severe penalties...

(1993, p. 25)

For this analysis, Diocletian’s activities have great significance in showing that purple *per se*—purple *itself*—is mounting as a symbol of imperial power. Purple has lifted from the cloth. How? It applies to porphyry—the iridescent stone found atop only a few peaks in Egypt’s Eastern Desert—which is “jealously guarded” as a symbol of rulership itself (Werner, 1998, p. 2). Portraits of Diocletian depict the glowing stone as well, and (from Diocletian onwards) porphyry sarcophagi brighten the royal burials (Reinhold, 1970, p. 60).

From the 4<sup>th</sup> through 6<sup>th</sup> century, Constantine to Justinian, purple’s ‘secondary meaning’ is sealed tight. Imperial babies entered the world in the royal palace’s porphyry-walled chambers; the Emperor dressed in purple silk robes, purple trousers and purple shoes, with a matching diadem. In 470 A.D., Emperor Leo I even decreed that imperial edicts would be signed in purple ink (Reinhold, 1970, p. 68). In short, the signature colour *was* the hue of royalty. And this royally codified colour was bolstered by the force of law. Constantine, in the early 4<sup>th</sup> century, prohibited any duplication of the royal garb, although officials and private citizens could wear purple stripes on clothing as well as inferior ‘imitation’ purple. And in 383 A.D., Gratian, Valentinian and Theodosius took a cue from the extravagant Nero to legislate purple for exclusive imperial use (Reinhold, 1970, pp. 62-6): Tyrian-dyed purple silk or woolens were

strictly verboten, although inferior grades of purple could still circulate. Indeed, the trio proved very dedicated in their prohibitions:

In 393 A.D. it was forbidden to use any sea purple whatsoever in making the costumes of actresses, presumably to plug some loophole in the law. In 396 A.D. another loophole was closed by a constitution... forbidding the manufacture of imitations of the two *sacrae murices* (the imperial purples), under penalty of 'capital punishment'.

(Reinhold, 1970, p. 66)

Theodosius II reaffirmed this sentiment in 424 A.D. with the legal proclamation that:

We do not permit wool to be dyed with any color resembling the Imperial purple, nor do We permit silk to be dyed rose-color, and afterwards with another tint... Those who violate this law shall suffer the punishment of death.

(Scott, 1973, p. 174)

Yet like Jacobson's 'theft' of Qualitex green gold, Romans citizens *still* used the imperial colour. This prompted *another* edict by Theodosius II in 424 A.D. prohibiting the general creation, ownership and use of high quality purple—for it was a crime akin to high treason:

...Nor shall any person at his home weave or make silk cloaks or tunics which have been colored with purple dye and woven with no admixture of anything else. Men shall bring forth from their homes and deliver the tunics and cloaks that are dyed in all parts of their texture with the blood of the purple shellfish. No threads dyed with purple dye shall be interwoven, nor shall threads colored by the same dye be spun out and made strong by the shrill sounding loom. Garments of all-purple must be surrendered to the treasury and must be immediately offered... But let no man now by such a concealment incur the peril of the toils of the new constitution; otherwise he shall sustain the danger of involvement in a crime similar to that of high treason.

(Pharr, 1952, p. 288)

Again, like an Ancient case of trademark infringement, the penalty was issued only if the 'owned' symbol had been definitely pilfered. Under Theodosius II citizens could

not weave or possess garments of this superior purple; but they could own or wear the lower quality, easily identifiable ‘imitation’ purple, which did not shine like iridescent, imperial purple and was of a slightly different hue.<sup>5</sup> The mounting sense of frustration over illegitimate purple ‘poseurs’ is revealed by the decree by Emperors Theodosius II and Valentinian made some twelve years later, in 436:

Since it has been disclosed that almost three hundred pounds of purple dyed silk have been colored in clandestine dyeing operations, not without involvement in the crime of high treason, and that no small weight of purple dye has been converted into money, and since witnesses under torture have revealed by what artifices privately owned silk and silk belonging to the fisc were customarily dyed alike with the purple dye belonging to the State, and since they have also revealed what persons were accomplices in this crime, and who were the assistants, and although traffic in purple dye has been prohibited by innumerable constitutions, We also forbid it by a new threat...  
(Pharr, 1952, pp. 287-8)

Trusted officials were thus sent to oversee the dyeworks and to prevent fraud. And since the treasonous parties were seeking to profit from the Imperial dye, the Emperors recommended a fine of twenty pounds of gold for anyone involved in the traffic of purple.

Sixth-century Rome displayed a softening of ownership: Justinian, in 547 A.D., permitted *women* to wear all silk, high quality purple garments. And Emperor Tiberius II (578-582 A.D.), in a fit of generosity, deemed that *oxyblatta* dyed purple may be worn “on narrow stripes... by persons while attending circus games” (Reinhold, 1970, p. 68). By the late 9<sup>th</sup> century, the falling Roman Empire loosened its fierce

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<sup>5</sup> This links quite nicely to the 1996 Supreme Court’s rule on shade confusion: that, while ‘imitation’ colours may be similar, it remains the prerogative of the higher powers to determine whether two shades are “confusingly similar”.

possessiveness over purple. Emperor Leo VI (889-912 A.D.) purports to treat purple with the casualness of one who owns something so wholly and completely that he need not worry about sharing—simply because the master is known by all. Leo's

*Constitution LXXXI* affirms:

I do not know for what reason emperors of earlier times, considering that they themselves were entirely garbed in purple, were induced to decree that not even trimmings of purple be allowed on the market, and not permit anyone to sell or buy that color. And indeed, if they prohibited whole cloth to be sold, they would perhaps seem to have had a reasonable motive for doing this. But inasmuch as they prohibited to be on the market stripes and small pieces which might provide utility and use not unsuitable to either seller or buyer, with respect to this, what worthy reason do they allege in this decision of theirs, what envy of their subjects lurks therein? ... According to me, not acquiescing in that decision, decree that fittings and strips which might provide our subjects with an elegant appearance or with other not prohibited use be permitted to be both sold and bought. For it is proper that his Imperial Majesty, since he bestows other varied benefits upon his subjects, should not begrudge them elegance.<sup>6</sup>

(cited in Reinhold, 1970, p. 69)

Leo is not *overly* casual, however. He allows only for purple bits, purple strips, purple trimmings—much as contemporary courts allow for various colours to be used as part of a design.

Broadly speaking, the ongoing discourse regarding purple in these sumptuary laws suggests the continued struggle to 'sequester' the dye and its gloss. Although this analysis does not focus on the appropriation of purple by 'regular' Roman citizens, the decrees by Nero and Diocletian, and particularly by Theodosius and Valentinian, all

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<sup>6</sup> Article LXXXI is one of many constitutions decreed by Leo VI, in his efforts to update the Justinian laws.

point to the existence of a widespread, illegitimate ‘traffic’ in purple—a traffic that occurred *despite* all of the prohibitions. Consequently it seems worthwhile to pause for a moment and speculate why. The answer very likely resides in what Hunt (1996) deems the “fundamental contradiction of sumptuary regulation” (p. 102); the simple fact that restricting something to a select few will actually raise both its prestige and the general desire to possess that item. “If some economic or cultural asset is restricted to some groups or classes it becomes a potential object of aspiration for others”, explains Hunt (p. 102), and the aspiration is intensified “where that asset is associated with a claim to social superiority” (p. 102). Hunt observes that sumptuary regulation’s ‘fundamental contradiction’ is augmented when social rank or status is marked by symbolic representations, because “these ‘symbols’, rather than the underlying economic or property relations from which they stem, become the target for usurpation from below. It is easy to assert a status claim by donning a purple robe...” (p. 105). As a result, sumptuary law “actually provokes increasing competition and imitation since it is ‘cheaper’ (economically and politically) for all parties to compete over the symbols than over what those symbols represent” (p. 105). While Hunt focuses on governance through twelfth to eighteenth centuries, his claims can equally inform our analysis of Roman times. Purple clearly functioned in delineating a hierarchy. But since purple could be gifted from the Emperor, or serve to designate senators or members of the court, the colour signified a *range* of privileged circles—which might have fueled the demand for Tyrian purple and its colourful imitations.

Returning to the aspect of colour control, it is clear that the myriad attempts to legislate purple reveal a marked *royal* desire to possess the colour. But is this enough to warrant claims to ownership? Today's Supreme Court would deem that purple would first have to prove a clear *secondary meaning*—a firm mental association in people's minds between the colour 'mark' and its source (or in this case, its owner). Qualitex was able to illustrate this meaning through \$1.6 million in advertising while Fiberglass pink insulation apparently 'proved' to the lower courts that secondary meaning could be purchased for the tidy sum of \$42 million (the cost of its 35-year advertising campaign) (Coppersmith, 1993, p. 313). But symbolic 'advertising' had a different gloss in Antiquity, and secondary meaning needs to be deduced from poetry, literature and language, not trade journals and flashy magazines. Homer's Greek epics hint at this purple power, but it is in Rome under Augustus that purple takes firm hold in both a visual *and* literary sense. Art professor Manlio Brusatin in *A History of Colors* (1991) asserts that Virgil presented the soul as purple, but this is misleading. The 19 B.C. *Aeneid*, commissioned by Augustus to laud the Roman Empire, actually links purple to nobility and military costume. Of the 51 references to purple shading in the epic's 12 books, exactly 25 refer to clothes, vests or forms of ornamentation beautifying the heroes/heroines, goddesses, warriors or their palaces. Thirteen references describe elements or are descriptors of general things (such as purple sky, purple wine or purple dye), and 12 references pertain to the purple of blood—for, as earlier noted, true Tyrian *purpura* had the bright *iridescent* appearance of arterial blood. Not just bright red (as one may assume) but the luminous quality that changes colour upon catching the light. Virgil thus describes "a purple flood of blood", "purple gore" and "purple [i.e.,



bloody/blood-soaked] death”. So where hides Brusatin’s “purple soul”? Mentioned *once* it “floats” through the following battle scene in Book IX:

Nor less with rage Euryalus kills  
 Rhoetus wakeful, and observing all:  
 Behind a spacious jar he slink'd for fear;  
 The fatal iron found and reach'd him there;  
 For, as he rose, it pierc'd his naked side,  
 And, reeking, thence return'd in crimson dyed.  
 The wound pours out a stream of wine and blood;  
 The purple soul comes floating in the flood.  
 (Virgil, 1995)

Given the context of the reference, Virgil’s purple soul is not an aesthetic descriptor.

Rather, the poet presents the soul as soaked with blood—it is stained purple from Rhoetus’ fatal wound.

This foray into epic poetry illustrates purple’s central symbolism. Virgil’s *Aeneid* predominantly uses purple to clothe heroes and Kings. In Book XII, Virgil heralds “King Aulestes, by his purple known...” illustrating the specificity of this powerful symbol. Purple has literally become *a signature colour*—and it is fascinating that the stained garb of the heroes takes the same name as the blood of their victims. The powerful wear purple—and they also command it, drawing “purple gore” from their contenders.

Virgil’s fellow poet Ovid also recognizes purple’s regal and power-laden symbolism in the *Metamorphoses*. Palaces are seen “by the purple light” (Book I) and in the heavens

The God sits high, exalted on a throne  
 Of blazing gems, with purple garments on  
 (Ovid, 1994, Book II)

The story of Cadmus (Book III) talks of purple vests as a sign of luxury, while the story of Perseus mentions the “noble youth” of Athis wearing “a purple mantle fring’d with gold”. “Book the Eighth”, to provide one further example, recalls the “daughter of the purple king.” It is important to note that similar purple esteem is found in the Hebrew Bible<sup>7</sup>: God, in the book of Exodus, commands that an offering of purple (among other things) is to be made to Him (Birren, 1990, p. 40), while the tabernacle, the shrine of God, has purple curtains and is embroidered with purple threads. In the second book of the Chronicles, Solomon’s temple has purple in it, as does the palace of king Ahasuerus in the book of Esther. The triumphant Mordecai (also in Esther) rides out to his people in a “royal garment” gifted from the king of fine linen and purple. Even the New Testament acknowledges the luxury and power display of purple. The Gospel of Luke recounts “a certain rich man” who “habitually dressed in purple and fine linen, gaily living in splendor every day” (Luke 16, v. 19). More tellingly, Jesus, when mocked by the Romans as “King of the Jews” was clothed in purple and crowned with woven thorns (Mark 15, v. 17-20).<sup>8</sup> And Revelation’s whore of the earth, with whom the world’s kings have fornicated, is arrayed in purple (Rev. 17, v. 2-4)—the same colour tinting St. John’s vision of the Apocalypse, in which the “great city clothed in fine linen and purple” (i.e., Babylon) is destroyed (Rev. 18, v. 16).

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<sup>7</sup> I insert the Hebrew Bible here because, while it took centuries to shape, the ‘fixed’ collection as we know it was completed around 100 A.D. (see Bandstra, 1995, p. 4).

<sup>8</sup> See also *John 19*, v. 1-3:

Then Pilate therefore took Jesus, and scourged Him.  
 And the soldiers wove a crown of thorns and put it on His head, and arrayed Him in a purple robe;  
 and they began to come up to Him, and say, ‘Hail, King of the Jews!’ and to give Him blows in the face.

*Satyricon*, by Petronius, is equally woven with purple. Petronius was the *arbiter elegantiae* of emperor Nero, his advisor in matters of luxury and extravagance. As befits his office he pens an equally extravagant text revealing the debauchery of a culture on the wane. “The Banquet of Trimalchio” from the *Satyricon* profiles the freed slave who, distinguished only by money, seeks to elevate himself by displaying the symbols of rank. Trimalchio thus rebukes a “rascal” servant who “lost my dinner robes, which a client gave me on my birthday—genuine Tyrian purple, I assure you, though only once dipped” (Petronius, 1930). This comment is doubly revealing in light of our awareness of *purpurati*; that is, the fact that genuine Tyrian purple was generally gifted from royalty to courtiers or individuals held in high esteem. Is Trimalchio hinting that his “client” might be a member of the imperial court or even the sovereign? Perhaps. Or perhaps Trimalchio’s client is merely moneyed, for amidst all the imperial edicts over purple, both the glitterati and the social climbers “ostentatiously used purple garments and other purple articles as extrinsic display of their affluence” (Reinhold, 1970, p. 55). Regardless, Trimalchio’s glorious banquet displays the ex-slave conspicuously clothed in purple and wearing, as a bib, a napkin with a broad purple stripe.

Within these literary works circulates an Ancient manifestation of the law’s “capacity to fix meaning while denying this as an operation of power” (Coombe, 1999, p. 28). Rome’s early rulers may have legislated purple now and again, but as the ‘law’ incarnate, they also ‘fixed’ purple’s meaning in more subtle ways. Augustus commissioned the *Aeneid*

and many of Ovid's works and Petronius was Nero's friend and advisor<sup>9</sup>—certainly the 'purple' these artists penned would be infused with the appropriate symbolism! Moreover, the language circulating *outside* the literati worked to colour purple with the appropriate hue of wealth and royalty. Horace labeled fine writing "purple", linking a florid literary style with lavish dress (Rossotti, 1983, p. 224; Brewer, 1998, p. 870). But an entire spectrum of coloured language connecting purple to royal power also existed. As earlier noted, there were the Persian *purple wearers* and the identification of the *purpurati* beginning under Alexander the Great. Diocletian in 303 A.D. initiated the ceremonial *adoratio purpurae*, the kissing of the purple, a protocol appropriate to those granted an imperial audience (Gibbon, 1999).<sup>10</sup> Royal infants were *porphyrogenitus* or *born in the purple*, referring to the porphyry lined chamber in the imperial palace (Brewer, 1998, p. 847); they mounted the throne or *purpuram sumere* and the *natales purpurae* marked the Emperor's anniversary date of assuming power. Imperial garb, appropriately, was christened *divina purpura* (Reinhold, 1970, p. 65).

Perhaps the strongest indication of purple's secondary meaning—the sign that purple *per se* has come into its own—nestles in Brewer's *dictionary of phrase and language*, which defines purple as "a synonym for the rank of Roman emperor" (Brewer, 1998, p. 870). This symbolism is clearly grasped beyond the Ancient Empire, for the 18<sup>th</sup> century English rationalist historian Edward Gibbon tosses purple like confetti

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<sup>9</sup> That is, until Petronius fell out of the emperor's favor and was forced to commit suicide in AD 66.

<sup>10</sup> As Gibbon explains in *The decline and fall of the Roman Empire* (orig. pub. 1776): "When a subject was at length admitted to the Imperial presence, he was obliged, whatever might be his rank, to fall prostrate on the ground, and to adore...the divinity of his lord and master" (1999, Chapter XIII).

throughout his *History of the decline and fall of the Roman Empire* (1776-88): Constantine “accepts the purple”, successors are “educated in the purple” and the imperial family grows “under the shade of the purple” (Chapter XVIII). Moreover, tyrants “dishonour the Imperial purple” and dissenters “abdicate the purple” (Chapter XVIII). Interestingly, this plum language has a curious and contrary relationship to present issues of colour ownership: the 1995 Supreme Court decision hinged on the fact that nothing in the Lanham Act’s Section 45 categorically barred colour *per se* from being trademarked—and because the writ neglected to explicitly mention colour, it *could* be owned. Imperial Rome, in contrast, ‘acquired’ purple by writing much about it, and consistently. Purple’s ‘secondary meaning’ developed less through royal prohibitions than associations garnered through its expense and its extensive Ancient ‘advertising’ profiled in poetry, literature and language games.

### **On painted archaeology**

Only through examining the historical record can the power of colour and its exceptional communicative properties be painted in its full spectrum. Contemporary issues of legal ownership take on a richer, deeper hue when cases such as *Qualitex* are viewed in a much broader context—as if through the looking glass of Braudel’s *longue duree*. In itself, the 1995 Supreme Court decision that colour *per se* can be owned has acute legal and commercial ramifications; but one must be careful *not* to presume that the issue is new. This messy history reveals that the Supreme Court’s ‘groundbreaking decision’ finds fragments of precedence tracing back 3,500 years. And whilst the ‘transgressed’ of antiquity did not sue for trademark infringement, purple was a clear signature colour

with powerful symbolic or secondary meaning. Over time and with effort, the Imperial court was able to sequester the hue as emblematic of royalty, luxury and power—by the late Empire, Imperial Purple circulated in the lexicon as a referent not only to a colour, but also as a synonym for the Roman Emperor. Indeed, the sheer power of purple's *particular* communicative properties is evidenced by the fact that the Roman Empire's demise does not signal the end of the symbolically charged purple. Since the Byzantine emperors were viewed as Christ's representatives on earth, it was but a tiny step to shift this royal hue to Christ himself, and to represent him as robed in purple (Ball, 2001, p. 226). Catholic popes, cardinals and archbishops subsequently donned purple robes to signify *divine* power (Velde, 2000a), which heralded Hugh of St. Victor's (12<sup>th</sup> century) argument that paintings should portray Mary attired in purple, as the colour befit her role as Queen of Heaven (Gage, 1993, p. 130). Even though the Tyrian supply of *purpura* was exhausted in 1453, the purple 'code' of esteem held fast: ignoring the original material basis of the hue and focusing on colour itself, Pope Paul II authorized the use of "Cardinals' Purple" made from the Kermes insect. This was the first luxury dye of the Middle Ages and a new 'Spiritual' move to brand purple (Druding, 1982).

Much could be said of the later attempts to capitalize on the associations of this regal hue of antiquity—of the medieval heraldic blazon that linked the tincture *purpure* with royalty and rank, or even of William Perkin's patented *mauve* of the late 1850s, which (despite its vastly different hue) was first marketed as 'Tyrian purple'. It suffices to say, however, that this probing of purple in antiquity illustrates a certain communion between past and present. Attempts to claim and control the communication of colour are deeply,

historically rooted: colour codification in today's strict legal sense can also be found in ancient proclamations and civil law, and in attempts at metaphorical colour 'trademarking'. Both cases, ancient and modern, reveal that language is a key means of hemming in hue, although in the case of imperial purple *the materiality* of the colour is originally of much significance. But the codification ultimately lifted from the cloth—and following this thread of thought, we now move to another historical instance, one substantially more recent, less legal, and less regal, which also begins with an interest in the *fabric* of colour and is equally reliant on language as a means of control. The 'Emperors of hue' analysed in the next chapter are an 'elite' of an entirely different sort, and the discussion serves to inform 'modern' communication history while providing another perspective on how colour codification operates.

### Chapter 3

#### Emperors of hue: The ‘colour elite’ and the commercial nature of colour standardization

We have played no small part in the awakening of this country to a great color consciousness. Today our color, like our music, is an expression of the age we are living in. Through color, hue and form, America is expressing her culture, her sense of the beautiful...

*Annual report of the Textile Color Card  
Association of the United States, 1929*

While the previous chapters discussed colour communication and (modern and ancient) legal attempts to own it, this section probes the commercial nature of codification with a view to unveil the industry behind standardized colour. Colour standardization—yet another attempt to hem in hue—is unquestionably central to the functioning of our material culture. ‘Signature’ colours like John Deere green, IBM blue and Barbie pink rely on consistency and conformity to establish brand identity, which is precisely why the Starbucks green logo looks the same whether you’re sipping lattes in Vancouver, Manhattan or Beijing and why Pepsi’s blue only lightened up after extensive market research.<sup>1</sup> Several questions pertaining to color standardization do arise, however. If colour is central to the functioning of our material culture, then who determines and regulates the hues? Is this a legitimate case of colour codification and if so, how is it

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<sup>1</sup> In February 2002, Pepsi-Cola North America updated the Diet Pepsi colours to feature a “bubbly blue” package design and light blue graphics. Spokespeople for the \$4 billion brand claim that the colour reinforces Diet Pepsi’s “light, crisp, refreshing taste” (“Diet Pepsi: New look...”, 2002).



accomplished? Further, what does the industry approach to standardizing colour reveal about the wider socio-cultural environment in which it operates?

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Nineteenth century society introduced the idea of communication as a series of networks and flows of information. Roads, canals and railways served as communication systems that transported *other* communication in the form of money (i.e., the circulation of goods in the marketplace) and information (found in the press, petitions and surveys) (Mattelart & Mattelart, 1998, pp. 5-11). By the late 1920s, this view gave way to the notion of mass communication as a powerful means of influence that swayed audience perceptions and responses: Harold Lasswell created the “hypodermic needle” theory of communication to designate the direct and identic effect media had on individuals. Subsequently, the much discussed “two step flow of communication” emerged in the 1940s, evolving throughout the 1950s, the same decade in which Columbia professor C. Wright Mills promoted a remarkably different understanding of communication—one that was “non positivistic, in touch with the pulse, the pace and the textures of American life” (cited in Mattelart & Mattelart, 1998, p. 40). Considered one of the founders of American cultural studies (1998, p. 41), C. Wright Mills also scrutinized the political, economic and military circles comprising the *Power elite* (1956).

This cursory nod to early communication history has a point, for colour communication—and particularly its standardization—speaks to all of these visions of

communication. Colour itself circulates as a type of commodity and the ‘information’ contained within Starbucks green, for instance, is easily read by its target audience. Perhaps it is jarring to consider green or blue as communication protocols, but when a precise shade is used globally to symbolize a good or service, it becomes part of our information infrastructure. This colour information (of Starbucks green, etc.) is abetted by other networks and information flows: the Pantone Color Institute, for instance, has precise codes that ensure identical shades can be reproduced worldwide. So, too, does the Color Marketing Group and the Color Association of the United States, which both issue colour cards whereby numbers identify shades—where the algebraic formula of  $70180 + 70075 + 70077$  results in the colors of the U.S. flag.<sup>2</sup> Information networks also service the nearly 200 year old Coats Company’s goal to “facilitate worldwide color communication” by using spectrophotometers that “read and simulate a fabric’s swatch color,” thus allowing speedy and identical colour matching regardless of location. Samples in China, in short, can be exactly matched and replicated in New York (CAUS, 2002a, p. 6).

If colour communication applies to the theory of networks and information flows, advocates of color application and marketing are no less certain of its persuasive impact. Confident voices within the Color Marketing Group (CMG), the Pantone Color Institute, South Bank University’s Colour Design Research Unit, The Color Association of the United States (CAUS) and its precursor, the Textile Color Card Association of the U.S.A. (TCCA), all proclaim that goods and services will thrive or founder based on colour

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<sup>2</sup> These numbers translate into Old Glory Red, Old Glory Blue and National Flag Blue, as standardized by the Color Association of the United States.

choices. “Color sells”, the CMG motto quips, “and the right color sells better.” Naturally, the marketing world is rife with statistics to back this up: between 62 and 90 percent of a person’s first impression of an item comes solely from its colour (Color Communications, 1997) and nearly a third of polled consumers “would switch vehicle brands if they couldn’t get the color they wanted” (Krebs, 1997, p. 34). Success stories are equally based on numbers—Heinz recently enjoyed \$23 million in sales due to a mere colour change. By tinting its traditionally red ketchup “funky purple” and “blastin’ green” Heinz saw a 14 percent increase in ketchup sales in one year (Paul, 2002, p. 34). Parkay hoped for similar success in introducing “electric blue” and “shocking pink” margarine in 2001.

Comprising information networks and flows and strong persuasive impact, contemporary colour communication presents an unusual conflation of early communication history. Yet colour analysts have also theorized the rough equivalent of Katz and Lazarsfeld’s (1955) “two step flow.” *Color Forwards*® are the Cooper Marketing Group’s version of “opinion leaders”—the 20 percent of the population who are generally younger, attuned to new colour trends and willing to embrace them. *Color Prudents*®, conversely, wait for a colour to gain acceptance before adopting it. *Color Prudents*® comprise approximately 55 percent of the population and need to see a ‘fashionable’ colour being worn and used; they depend on the ‘information’ conveyed by *degrees of display* or by high visibility, which might come from a combination of media/marketing use (in retail and the like), and the use by *Color Forwards*®. As such, the information flow in question is not verbal, as with Katz and Lazarsfeld, but purely visual.

Ignoring all colour trends are the *Color Loyals*®, the remaining 25 percent of the population. Profiled as middle aged with busy lifestyles, our fashionable colour culture is of little interest to them. They stick to “tried-and-trues”—neutrals and navys and blacks—and remain largely out of the current of colour communication.

The final instance of communication theory’s ‘history’ being contained within the colour communications industry pertains to C. Wright Mills, whose research “restored the connection between questions of culture and power... by demonstrating the link between personal experience of everyday realities and the collective stakes of society as a whole crystallized into social structures” (Mattelart & Mattelart, 1998, p. 42). Mapping Mills’ thoughts onto colour communication gives us pause to consider the connection between ‘colour culture’ and power. Instinctively one might dismiss the question as frivolous. But instincts are sometimes misleading, for it is under the auspices of select power groups that our colours, the special colours that define particular cultural mindsets and moments, are determined and controlled. Our everyday colour reality may be a visual cacophony of colour—safety and school, national and army, fashion and commercial—but it is a controlled cacophony, codified by what I term a ‘Colour Elite.’ The Colour Elite may not wield the political, economic and military power accorded to Mills’ Power Elite<sup>3</sup> yet it is an elite whose decisions have at *minimum* national consequences. Identifying the existence of this Colour Elite brings to a close this introductory segment detailing how historical theories of communication are contained within colour communication;

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<sup>3</sup> Nor shall I accuse them of the same kind of moral hollowness and intellectual mediocrity!

simultaneously it provides a ready segue into the core concerns of this chapter, namely the industry behind standardized colour, the relationship between colour culture and power (as inspired by Mills) and the cultural significance of this type of colour codification.

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For Canada and the United States, today's Colour Elite includes members of the Pantone Color Institute, the Color Marketing Group (CMG) and the Color Association of the United States (CAUS). These are the groups who forecast and determine colour trends up to three years in advance, the ones responsible for avocado green and harvest gold in the 1960s and for projecting the triumph, in 2005, of mercurial neutrals and a palette reminiscent of ancient Egyptian mineral pigments.<sup>4</sup> While all U.S. based, these three groups have a global reach both due to the impact of their forecasts on disparate industries and because of their international board of forecasters. Pantone's *Pantone View Color Planner*—a semi-annual, U.S. \$750 binder featuring colour palettes for interiors, publishing, fashions and the like—is created by a panel of consultants from six countries. CAUS, which issues annual forecasts for environmental/interior design as well as semi-annual seasonal fashion forecasts (in three categories: women, men and children), has separate panels of eight to twelve industry professionals assigned to each category. And the thriving 40-year-old Color Marketing Group boasts an international association of over 1,600 colour designers. Representing major food and beverage, cosmetic, design and

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<sup>4</sup> This is according to CAUS' exclusive Environmental/Interior Forecast for 2004/5.

manufacturing industries, members of CMG gather at two colour conferences a year to decide the palettes “for all industries, manufactured products and services” (CMG, 2002).

Colour forecasting is serious business, since manufacturers, designers and retailers need some direction in choosing colours for their wares. Selecting the ‘wrong’ colour can obviously hurt sales but as J.C. Herz argued in *Wired*, “it’s one thing to pick a risky shade when you’re producing 1,000 pieces, and quite another when a million skirts hit the racks” (Herz, 2002, para. 9)—or when a million cars, lipsticks or cans of paint hit the market, for that matter. Members of the Colour Elite quell the anxiousness around marketing coloured goods by promising first, that the selected palettes are standardized (i.e., replicable) and second, that they will sell. Sales in colour, however, do not come cheap. Pantone’s standard cotton-swatch binder is U.S. \$3,600, its seasonal “View Color Planner” is U.S. \$750 and chip books sell for \$300. Membership in CAUS costs U.S. \$300 for initial registration *plus* \$900 annually for one “primary category” (either women’s, men’s, children’s or interiors) plus \$200 for each additional category, plus \$150 for foreign postage (if applicable). This fee does not include the cost of the *Standard Color Reference of America* (an additional \$400 for members, \$550 for non-members), which contains the most popular 192 standardized shades. CAUS also issues The United States Color Card, selling for \$100 (to members), and the Activewear Color Cards worth \$30. As such, a first time, international member interested in all the primary colour forecasts and the *Standard Color Reference* (but not the Army or Activewear cards) would be faced with a substantial U.S. \$2,350 fee.

Entirely different is the Colour Marketing Group which, while charging a significant U.S. \$695 membership fee, is highly selective of its fellowship. This is a colour elite in no uncertain terms for members must meet strict entrance requirements: they must be colour designers, colour marketers or academics of colour. They must, in short, be currently involved in one of the following: 1) *creating* colours for manufactured products (designers); 2) *applying* colours to manufactured products or designing or marketing product colours (marketers); or 3) *teaching* design and/or colour full time at an accredited four-year college or university (academic). All members must have graduated from an accredited university or college in a “color-, design- or marketing-related curriculum” and have a number of years of colour-specific work experience (CMG, 2001). Entrance rules are firm, since the members themselves determine the four colour forecasts issued by CMG each year. CMG calls this “designer democracy in action”, the fact that members gather at semiannual international conferences armed with their favourite colour swatches and colour visions and then collectively (in conference workshops) decide the shades and names of the final palettes.<sup>5</sup>

CMG’s “designer democracy”, however, is without *regnat populus*. It accepts only the votes of the colour forecasters, which is also true of CAUS (although one can purchase a membership). Unsettling it is, because we all have a stake in colour but do not all have

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<sup>5</sup> Members forecast colours specific to their areas of involvement/expertise. Conference categories include: Transportation and Related; Communication/Graphics; Home Office; Home Fashion; Durable Home; Exterior Home; Fashion; and Action/Recreation.

voice in its expression. CMG is so rigid about maintaining control over its colour decisions that it refuses to allow non-members to even observe the forecasting process.<sup>6</sup> In this manner, particular hues paint our cultural landscape without the input of the general public. We can choose colours to purchase, but can not select the colour choices available.

Restricting access to the process of colour forecasting and standardization allows the Colour Elite to maintain control over the hues entering the marketplace. Some players are relatively new to forecasting—Pantone issued its first forecast a mere two years ago, and CMG is still young at 40 years. Yet *proper* scrutiny of the mechanisms of colour standardization requires a lengthened appraisal of its working parts, proof that the colour of the moment truly represents the existence of a process. This case is best made by analyzing CAUS which, as the oldest colour group in the USA, can reveal the early rationale for standardization and its evolutionary process, and also has the credence earned by time. This analysis will reveal that the same issues of control found in trademarking hue find expression in industry attempts to standardize it. Similar language games also exist, with words playing with colours with remarkable results.

The 87 year old CAUS has roots in the First World War, when the severing of literal communication routes and networks strongly impacted the communication of colour.

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<sup>6</sup> As an academic researching colour and culture, I have fruitlessly attempted to join CMG for three years. Denied an academic membership because I'm merely studying colour rather than teaching its commercial application, I was also refused the request to attend a colour forecasting session as a silent observer. All the while, I'm struck by the irony of a situation in which I dutifully respond to the "Join CMG Today!" imperative found on CMG's web site, yet am routinely denied the opportunity to do so.



Prior to 1915, American milliners determined colour trends for the U.S. textiles industry based on dyes imported from Germany and fashion directions coming from Paris. War interrupted both dye and direction, forcing U.S. textile manufacturers out on their own. Aware that seasonal colour fashion forecasts were vital to marketing their clothing, the U.S. textile manufacturers joined with affiliated industries in silk, wool, thread, button and garment manufacturing to form a committee that would create and promote an American colour card of dyed swatches. From this emerged the Textile Color Card Association of the United States (TCCA)—CAUS' precursor—which in May 1915 issued the first standard color card with 106 colours and began issuing seasonal colour fashion forecasts for silks and woolens. TCCA wanted more than to merely distribute colour forecasts; its mandate was also to direct colour trends in the market, to encourage colour coordination among different sectors (by providing the formulas for producing each forecast colour) and to serve as a type of colour “information headquarters”.

Operating from 50 East 42<sup>nd</sup> Street in New York, this information headquarters was well received: 117 members joined the first year and by its 10th anniversary the association

boasted 1,361 members (TCCA, 1925).<sup>7</sup> The burgeoning Association reveals the legitimacy accorded to color forecasting—the 1926 annual report publishes several proud announcements by managing director Margaret Hayden Rorke: that the Association’s “unusual growth” in membership and “great increase of production, distribution and sale of color cards” required the hiring of many more employees and a subsequent office move to Madison Avenue; that 42,250 colour cards were manufactured the previous year with a sales value of over \$100,000; and that membership had swelled to 1,458. By 1927 year end, Rorke applauds the “largest distribution of cards in the history of the Association” and the issuing of “over a hundred thousand pieces of printed literature in the past year” (TCCA, 1927). Membership is 1,500 with 66 *new* foreign members coming from England, France, Switzerland, Germany, Austria, Czechoslovakia, Poland, Australia, Japan and Canada. Moreover, the U.S. “Department of Commerce and Department of State are now sending all the Association’s cards to every American Trade Commission and consulate throughout the world” (TCCA, 1927). Another year brings industries far removed from fashion to the TCCA, with representatives “seeking advice and assistance along standardization lines” (TCCA, 1928). “Trades as incongruous as fish canneries, bread institutes and tile and glass manufacturers have sought our guidance,”

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<sup>7</sup> Much of the information in this section is culled from various Annual Reports of the Textile Color Card Association of the United States, Inc., and resident in the CAUS Archives. For ease in referencing, the following shorthand will apply:

- For annual reports, the year of the report will be provided where appropriate, but not the full name of the report. TCCA, 1915, therefore, refers to the Association’s 1915 Annual Report. The reports are unpaginated. (See CAUS Archive.)
- TCCA Standard 1915 refers to the Association’s 1915 Standard Color Card of America. (See CAUS Archive.)
- Individual dates—July 19, 1935, etc.—pertain to the dates of TCCA membership correspondence. (See CAUS Archive.)

reveals Rorke, who interprets this commercial “awakening of color consciousness” as a portal “to beauty and to art, to increased sales, to quicker turnovers, *if* handled properly, intelligently and adroitly” (1928). Here the power of the Colour Elite is brought to the fore since “[t]o those untrained and unfamiliar to its industrial application, color can be dangerous when not held in restraint” (1928).

TCCA’s 1928 Annual Report continues:

Color in industry needs organization. Mass production demands temperate and economic employment of color, which can be done only by coordinated effort. America’s great organizing powers are exemplified in her trade association movement—a movement bound closely to that great economic movement which so vitally affects all business and government. Our faculty for constructive organizing has made possible the organizing of industrial color. It has unified color thought and coordinated its promotion.

Given this need for a unified colour coordination, it seems fitting that in 1929, TCCA helped a “group of leading industrialists” in England to create and organize the British Colour Council with the patent goal of benefiting “Anglo-American industry” through “a helpful color cooperation” (TCCA, 1929).

Merely 15 years after its inception, TCCA boasted a worldwide membership linking a host of disparate industries, ranging from millinery, woolens, paper, tanners, silk and laces to automobiles, chemicals, floor coverings, laundry, trimmings and paints. Existing here is a huge network of people, places and goods linked by the communication of colour. Colour *per se* constitutes the information in a flow intended to circulate within and between industry, government and public space. It is the expanding universe of

TCCA's colour codification to which we now turn.

### **The expanding universe of colour standardization**

When TCCA issued its first standard colour card in May 1915, it offered members 106 “regulated” colours whereby a standard name or standard number would “always signify the color so designated in th[e] card” (TCCA Standard, 1915). The numbers of standardized colours grew so that by 1917 the standard Color Card of America contained 128 colours. By 1924, it contained 133 colours and by 1925, 154 staple colours were offered with 5 digit cable numbers assigned to each colour. The 1927 8<sup>th</sup> Edition card with 192 colours formed the “most comprehensive collection of staple colors ever assembled” (TCCA, 1927), which was the same year the Association proudly claimed sole responsibility for creating 1,642 colours “all of which have been commercially standardized under our established system” (1927). Today's 10<sup>th</sup> edition card, in place since 1981, also offers 192 colours. Yet increased staple colours are merely a blip in TCCA's growing universe of colour standardization—a universe that also embraced what standardized colours should apply to. To wit: TCCA started out by issuing the Standard Color Card of America to the Textile and allied industries. It contained America's most popular hues and was supplemented by separate spring and fall Season Cards that forecasted fresh colour trends for silks and woolens. The Spring Color Card for 1932, for example, contained 78 new shades deemed to “compris[e] a complete range of the authentic colors for 1932” (October 21, 1931) while fifty seasonal colours were issued for Fall woolens. Separate forecasts of this nature have carried on to today. Yet standard and seasonal colour cards for textiles were just the beginning. By the mid-20s, TCCA offered

floss and ribbon editions of the seasonal cards, supplementary shoe and leather colour cards, and special millinery cards. It branched into hosiery, issuing the first edition of the Standard Hosiery Card as well as Spring and Fall Season Hosiery Cards in 1925—and then targeted men by creating gender specific cards for shoe colours in 1929. In 1925, TCCA prepared a new Seasonal Woolen Color Card containing fifty colours in woolen fabric. Knighted with “official endorsement” by the American Association of Woolen and Worsted Manufacturers, this card also had presidential accord, with TCCA President Edward S. Johnson appointing “an official Color Committee” of seven prominent men from the woolen industry (who were also TCCA members) to select the colours (TCCA, 1925). This was indeed “splendid progress” as TCCA treasurer Adolf Muller affirmed of 1925, this “highly idealistic, though practical, color propaganda” which even found its way into universities and government.

TCCA broached roughly 500 universities and colleges in Canada and the United States in 1925, requesting they register their official colours for standardization by the Association. It was another pioneering act that brought the likes of Harvard Crimson, Yale Blue and Princeton Orange into the fold. Government and Armed Forces were the object of colour standardization too, and in cooperation with the Quartermaster General of the U.S. army, TCCA created an “authoritative” base of hues for use on uniforms, ribbons, decorations and flags—a card sent “to all depots, posts and stations of the Army” for use by “all military tailors, as well as textile and allied industries supplying government requisitions” (TCCA, 1928). The 9<sup>th</sup> Edition Standard Card even contained U.S. Department of Commerce colours for sanitary wares and bathroom and kitchen

accessories! Flag colours for the U.S. and U.N. were also standardized so that old glory red and blue of the U.S. flag became just as much the preserve of the TCCA as the government uniform issue of light olive drab, west point (grey) and marine corps (blue).

By the end of the decade, and with international communication routes long reopened, TCCA was marketing Mid-Season cards to “represent the color analysis of the Paris Couture openings” (TCCA, 1929) Naturally, these did not detract from Standard and Seasonal forecasts, but stressed “certain tendencies” emerging in colour (1929) and in the process highlighted the increasing complexification of colour forecasting (at least in the eyes of the TCCA) and the consequent, critical need for their services. This skillfully manufactured demand by and for the Colour Elite was bolstered by advocating the merchandising of the “ensemble” to department stores<sup>8</sup> so that by 1932 the newly issued *Color Correlation Chart* became critical for “effecting the correct colour coordination between the costume and accessories... including shoes, bag and hosiery” (January 28, 1932). Shortly thereafter, glove manufacturers were targeted with the very first glove colour card containing nine “fashionable new colors in both glace and suede leathers” (June 6, 1935), a number that blossomed to 20 hues a mere three months later (September 12, 1935). Jewelry manufacturers, too, were swept under the colour umbrella in light of

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<sup>8</sup> As TCCA’s 1929 Annual Report explains:

As one of our objectives, we have concentrated our efforts in building a greater interest, appreciation and recognition of our service to the Department Stores. Since we can justly claim being the pioneers of Color Coordination and the chief exponents of the economic value of color stabilization, it is with a great feeling of gratification that we can report that the past year has seen a rapidly increased awakening on the part of retailers to make use of and apply our principles in the merchandising of the ‘ensemble’.

the importance of furnishing “the correct coordination of the principal stones and metals with the new costume shades” (January 6, 1933). Cooperating with the New England Manufacturing Jewelers’ and Silversmiths’ Association, TCCA selected seasonal hues and created colour cards for costume jewelry. Yet they broke the alliance two seasons later, informing members that “with the approval of the Jewelers’ Association, we are to be the sole distributors of the jewelry color card” (December 2, 1932)—a “first of its kind” card “especially created by us for the jewelry industry” (January 6, 1933).

With a constant stream of letters to members and potential members, TCCA underpinned its colour communication with the art of the written word. Only language could convey the “increasing significance of color in the interior decorating field” to curtain manufacturers in 1935 by revealing that “[t]oday women are eager to achieve just as smart effects in their homes through the proper choice of color harmonies and contrasts as in their own personal wardrobes” (November 25, 1935). Should curtain and drapery manufacturers respond to this literal communication with the proper *colour* communication choices—namely, “the outstanding new shades...portrayed in our 1936 Spring Season card”—TCCA promised that increased sales would result. This promise culminated in a separate Upholstery and Drapery Fabric Color Card in 1952 and then a forecast for the entire home furnishings industry in 1969. The latter forecast was reborn as the Total Environmental Forecast for Home/Interiors in 1982, while the former currently exists as the Interior Colors Forecast.

Raising the interest in colour commercialization had several results. Most obvious is the awareness of the number of industries that could and should benefit from colour marketing and standardization. From textiles to millinery, from fashion jewelry to retail store window merchandising—even the National Retail Dry Goods Association realized the merits of colour coordination based on the use of TCCA colour cards and charts (TCCA, 1929). After 1945 colour became the concern of even more segments of industry, including synthetic fibers, automobiles, home furnishings, household appliances, floor coverings, wall paper, paints and plastics. Men's fashion became ripe for peacocking in the 1960s with the issuing of a special men's colour card, and children's industries followed in 1985, with the first children's colour forecast for clothes, athletic wear and accessories.

TCCA's Board of Directors recognized the relevance of the commercial application of colour to myriad industries beyond those in fashion and textiles, and on December 1, 1955 the organization officially changed names to The Color Association of the United States. By this time, TCCA had successfully fanned interest in colour commercialization and raised awareness of the financial gains possible through standardization; the latter portion of its motto, typed in the footer of all written correspondence, was unquestionably valid: "NOT CONDUCTED FOR PROFIT BUT FOR THE BENEFIT OF AMERICAN INDUSTRY". And American industry did indeed benefit with new demands for tinted gloves and hosiery and the like, and with a heightened social recognition of the importance of colour style. Perhaps TCCA's greatest success lay in its ability to transform colour *into* a commodity, to make it the source and content of a vast network of



communication, a communication with high visibility in public space. TCCA helped to weave colour throughout urban life, and more significantly, to bind its salience to its ability to be standardized. It is interesting to note that TCCA's expanding universe of colour standardization, along with the organization's concerted push to make colour ornamentation key to all industries occurred about the same time Adorno condemned the culture industry for mass producing and reducing art to mere ornamentation and for producing cultural goods that bolstered mass culture. While Adorno arraigned the culture industry for reducing cultural products—radio, film and magazines—to mere commodities, a parallel standardization, massification and commodification was occurring in the communicative world of colour. And powering this colour cultural industry was the Colour Elite.

Like Mills' Power Elite who makes decisions with *at least* national consequences, TCCA's Colour Elite directed the plumage of American culture, from its wall tints to retail stores and handbags to refrigerators. The phenomena hints of 'colour imperialism,' with national and international members (and prospective members) duly informed that TCCA selected hues are the colours of success. As such, letters like the one sent to 17 Czechoslovakian glove manufacturers in June 1935 were not uncommon:

... Many American glove importers will soon be going to the Czechoslovakian market to fill their Spring glove requirements. It is therefore important that you know at this advance date what are the fashionable colors on which the American trade will base their orders.  
(June 6, 1935)

Currency in American colour trends, in short, translates into real currency, and the standardized shades recommended by TCCA flowed beyond U.S. borders. Forecast colours were even linked with grand international symbols of progress and control, as per the time when TCCA issued “A Century of Progress Colors” in July 1933 to celebrate the Century of Progress International Exposition being held in Chicago. TCCA’s 22 “striking new hues...reproduce[d] faithfully the exterior colors of all principal buildings” of the exposition. According to the Association, this “lovely palette of animated hues” promised “excellent merchandising and promotional qualities” for *all* industries influenced by colour “because of their World Fair background (July 15, 1933). Here TCCA draws credence from the Exposition without even being part of it. By marketing principal building colours, TCCA transforms the concrete into a cosmetic—and in the process validates the latter. Symbolically, TCCA also creates its own participatory jersey in an international event known for showcasing industry developments. By striving to claim a space in the Universal Exposition—the same venue that “led photography, underwater cable, animated images, the telephone, telegraph, and other nascent techniques of communication” (Mattelart, 1996, p. 112)—TCCA further suggests that such grand developments in communication technology properly coincide with different kinds of communication, those of merchandising, promotion and above all, the communication of colour.

That TCCA would highlight the “World Fair background” as the marketing hook behind its Century of Progress colours is quite telling, for the ‘world’s fare’ literally became the backdrop for colour marketing. Historical events and global ‘interpretations’ fed the

Association's colour selections, attesting to TCCA's momentous yet cosmopolitan gloss. Colonial Colors for the Bicentennial Year were issued in 1932, comprising "authentic shades reproduced from original costumes worn by George and Martha Washington and other eminent personages in early American history" (March 5, 1932). Here colours are infused with esteem, noble by virtue of their link to prominent historical figures. The resulting palette is indeed distinguished, comprised of *George Washington Blue*, *George Washington Buff*, *Martha Washington Coral*, *Dolly Madison Yellow*, *Thomas Jefferson Brown*, and *Lafayette Green*.

From TCCA's inception, members were also treated to exotic and often racially inspired shades, from *Sultan* in 1917, *Cleopatra*, *Rameses* and *Pharoah* in 1923, and *Indies Brown* and *Hispano Tan* in 1931 to the various *Chin Chin Colours* of 1934 and 1935's *Arabian Nights*—colours inspired by the tales of Scheherazade. Glamorous colours such as these ornamented everyday life, but the hue's prestige was largely rooted in the language used to describe it. Ironically, this colour language is often more revealing than the hue itself.

### **The language of colour**

In his 1930 report on "The description of color", A. E. O. Munsell observed that "the languages of antiquity are characterized by their scarcity of color names" (p. 44). "Color nomenclature, in all languages, began with red" and then yellow; the words green and blue followed, with one word frequently used to describe both colours (p. 44).

John Gage notes that instances of a truncated colour language also occur in the Western

Middle Ages, where one term was used to denote both red and green, and another to cover both blue and yellow. The latter, blue-yellow reference is currently employed “in several non-Western languages spoken today” (Gage, 1999, p. 30). Whilst various explanations for the scant number of colour names in certain eras and cultures exist, Munsell succinctly solves the riddle by affirming that “this paucity of color names is most logically found in the absence of a need for them” (Munsell, 1930, p. 44).

Enter here the Textile Color Card Association, whose commodity of shifting and expanding colours *demand*ed a vast vocabulary. TCCA’s successful quest to link industries “in their color thought and exploitation” (TCCA, 1925) and to awaken “a great colour consciousness” (TCCA, 1929) resulted in an explosion of names: CAUS archives currently contain over 50,000 colour names used by the Association (M. Walch, personal communication, August 14, 2002). Practically, the ephemerality of TCCA’s seasonal colour forecasts required that the blue of Spring 1950 be distinguished from the blue of its Winter, and while numbers can certainly indicate this difference (i.e., navy 6925 vs. navy 6975) names infuse the “navies” (etc.) with a particular meaning, and one in concert with the times. The irony here is that the language of colour may have little to do with colour itself. When the Association issued its first card in 1915, 19 of the 106 colours were sourced from food or drink, such as *cream, cherry, salmon, strawberry, orange, lemon, olive, maize, prune, plum, claret* and *burgundy*. Other colours referred to flowers (*geranium, old rose, orchid, pansy, lavender, lilac*), precious metals/stones (*gold, silver, bronze, nickel, emerald, turquoise*), animals (*fawn, seal, beaver*) or aspects of nature (*Nile green, Ocean green, evergreen, midnight, smoke, mahogany*) and thus hues could

easily be surmised by their name—the mental concept from Saussure’s semiology functions perfectly. Over time the signifiers become increasingly arbitrary and distanced from what they were intended to represent; in certain cases the link between name and hue is entirely severed. Consider the following “colours”: *eminence* (fall 1917), *liberty* (spring 1918), *folly* (F1920), *cosmos*, *Pi Yu*, *Ta-Ming* (S1924), *water sprite*, *caprice* (F1925), and a range of fairy tale shades, from *Mother Goose*, *Cinderella* and *Peter Pan* to *Aladdin*, *Bluebeard* and *Ali Baba* (F1926). Countless examples of this type exist across time, and in skipping a rock through tinted waters one touches upon a colourful language that does not logically connect to a given shade: *melody* (F1936), *tango orange* (S1937), *love blue* (S1942), *five o’clock green* (F1950F), *gala peacock* (F1955), *static turquoise* (F1959), *demitasse* (S1961), *whirling turq* (S1962), *zing* (F1962), *sour ball* (S1964), *royal delight* (F1964), *saucy duck* (F1969), *cameo* (F1970), *xanadu purple*, *doodah pink* (S1973), *high fidelity* (S1976) and *savior flare* (F1979). Equally nebulous are TCCA’s Colour Categories which offer hues under such headings as *opera tints* (F1927), *evenglo shades* (F1933), *sweetmeats* (S1936), *gay affair* (F1968), *grand manner* (F1969), *gay gamut* (1971), *sparkodelics* (S1973), *urban interlude* (S1978), *rich relations* (F1978), *bubblers* (S1981), *DVD* and *.com* (F/W2002), and which clearly remain open to all colour possibilities. This situation would certainly trouble Goethe, whose *Theory of colours* acknowledged the difficulty in sufficiently describing or expressing colours but also warned against the “modern” danger of obscuring a general idea/view of nature with a term instead of illuminating it: “Yet, how difficult it is to avoid substituting the sign for the thing; how difficult to keep the essential quality still living before us, and not kill it with the word” (Goethe, 1997, p. 302). This danger of obfuscation, of killing with the

word was echoed over a century later, in 1921, by members of the U.S. Pharmacopoeia (U.S.P.) who lamented the proliferation of colour names in their field because the terms were used “with no particular thought regarding the[ir] standardization or accuracy” (Gathercoal, 1930, p. 11). By that time, the Pharmacopoeia was grappling with such incongruous descriptive terms as *blackish white* and trying to make sense of the vast, almost nonsensical, nomenclature circulating within the drug manufacturing world, a nomenclature challenging one to distinguish between “slightly pinkish, slightly pink, slight pink, pinkish, pinkish tinge, distinct pink, light pink and pink”<sup>9</sup>—a language Derrida might enjoy playing with but few else.<sup>10</sup>

The U.S. Pharmacopoeial Revision Committee thus recommended that U.S.P., as well as the “arts, sciences and industries” *reduce* the number of colour names in circulation and strive for “the more accurate naming or description of standardized colors” (p. 22). Colour names should be simple and honest; and to prevent confusion, colors “that are so nearly alike that they cannot be differentiated by the eye, should bear the same name” (p. 21).

<sup>9</sup> This is a very partial list of pink colour names found in the U.S. Pharmacopoeia Tabulation of Colour names (see Gathercoal, 1930, pp. 23-34).

<sup>10</sup> A comprehensive list of Pharmacopoeia colour names, nine years in the making, revealed terminology with ‘distinctions’ bordering on the ridiculous. Under *yellow*, for instance, were the following descriptors:

Yellow tint	Faintly yellow	Bright yellow	Deep yellow
Very slightly yellowish	Slightly yellow	Distinct yellow	Dark yellow
Slightly yellowish	Pale yellow	Golden-yellow	Grayish yellow
Faintly yellowish	Light yellow	Intensely yellow	Reddish yellow
Pale yellowish	Light lemon-yellow	Deep yellowish	Faintly greenish-yellow
Yellowish	Lemon yellow	Dense yellowish	Light greenish-yellow
Light yellowish	Yellow	Strongly yellow	Yellow

(Gathercoal, 1930, p. 29)

Logical recommendations, but ones that collide with the world of fashion and marketing: U.S.P. sought to collapse the language of colour at the same time TCCA is thriving on its proliferation. Perhaps, then, TCCA's irrelevant terms *do* cause the death of the "natural thing" as Goethe warned; it is most certain (to paraphrase Goethe) that colour's "essential quality" languishes under the descriptive weight of TCCA's words. Yet a different kind of illumination ensues, for the terms that so obscure their referent colours also illuminate their sociocultural environment. *Colour obfuscation allows for cultural illumination*, and while Goethe would lament the concealing of a colour's identity through language, this analysis now moves forth to reveal how TCCA deals with the colour/language relationship and the 'meaning' of TCCA's language 'choices'.

For TCCA, the name/colour connection was far from rigid. Different names could indicate the same colour—the silk 'fashion hue' of *jockey green* issued in spring 1936 also stands as the flag colour for Egypt and Iraq. *Juniper green* (F1974) is suggested as an alternate to this Government Standardized hue, as is *Atlantic green* (F1948).<sup>11</sup> *Fiesta green*, the fall hue of 1940, moonlights as the colour in the flag of Brazil, Mexico, Portugal and Hungary, and later assumed the identity of *Irish green* in TCCA's 10<sup>th</sup> Edition Standard Color Card. In a similar manner, Afghanistan's 'fashion' flag colour of *sparkling emerald* (S1938) can also be shaded with *spruce spark* (F1973). Even standardized safety colours have a fashion equivalent, with *safety red* corresponding to

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<sup>11</sup> This is noted in TCCA's archives, in the separate binders containing fabric swatches. Alternatives for these Government Standard colours were suggested to the Defense Supply Agency (DSA) in Philadelphia, which provides supplies and services to America's military forces worldwide.

*pimento* (70042), *safety orange* painted by *golden poppy* (70071), *safety yellow* soured by *lemon yellow* (70205) and *safety blue* coloured by *bluebird* (70211).

Beyond this name/colour flexibility, TCCA illustrates that hues could be renamed or updated at will. *Blossom*, found in TCCA's 8<sup>th</sup> Edition Standard Colour Card was renamed *chalk pink* in the 9<sup>th</sup> Edition while *mulberry fruit* became *catawba*. *Gull* transformed into *French grey*, and *French beige* blossomed into *rose beige*. Name shifts like this reveal the pliability of colour language and its peculiar ephemerality, an ephemerality resulting from the need to create terms for advertising and commercial purposes (Gathercoal, 1930, p. 15). As early as 1930, a professor of Pharmacognosy at University of Illinois commented on the near extinction of colour terms "coined years ago" including *Alice blue*, *London smoke* and *ashes of roses* while noting their replacement by new commercial names, including *Clorinda*, *Goya*, *Pandora*, *seafoam* and *piecrust* (15). Modernity's demand for the new equally applies today, where recycled colours sport trendy names, where *avocado* finds new life as *sage* and *chartreuse* debuts again as *limone*. Companies like Benjamin Moore support this masquerade with sales figures, noting that a simple renaming of *ivory* to *antique silk* allowed one paint shade to jump from 20<sup>th</sup> to 6<sup>th</sup> in sales volume in two years (Pirrto Heath, 1997, p. 44). But this masquerade has a greater pretense, since the cosmetic of colour here experiences the decoration of its names. Initially TCCA advertised basic colours—*lemon*, *orange*, *cherry*, *smoke*—as the cosmetic to draw attention; soon after, language was equally painted, equally drawn into the world of fashion. Both word and hue become adorned, and the hue itself gains currency because of the word used to describe it instead of its objective



appearance. *Avocado*, outdated, is hip as *sage*, a glistening verbal tiara to brighten a stale visual—or so the Association seems to believe. The spurious relationship between TCCA names and their colours is emphasized by the letter sent to members on November 9<sup>th</sup>, 1931, which explains:

we learned after issuing our bulletin... listing the color names and captions for our 1932 *Spring Season Card*, that one of our members in the silk industry had just issued a card of “Casino Colors”.

We therefore are changing the caption of our first group to *PLAGE COLORS*, “plage” signifying “beach” in French.

(Rorke, 1931)

Colours of the Casino have been relocated to the beach, with no concern as to its signifiatory disjunct. Colour and name can be shifted in the other direction as well, as per 1949 when the standard colour of *cherry* (70049) changed hues because the dyer could not match the original swatch. Rejected twice, the colour was ultimately “ok’d as dyer could not improve it” which is particularly intriguing given the note attached to the file *cherry* (70049) dated August 12, 1949. It insists: “Please be very sure to get an exact match.”

*Cherry* is a different colour, *avocado* is a different name and the colours of the casino have moved outdoors. Official flag colours moonlight as fashion hues and fashion colours spill over into safety. Safety colours have cloistered fashion names, and the identity of colour is concealed through its various appellations. No wonder a semiotic analysis is frustrated here! Yet TCCA correspondence continually—and ironically—emphasizes its colours’ ‘authenticity’: membership in the Association grants access to the

“authentic shades” of each season. This in itself is an illusion, particularly if one defines authenticity as reflecting an object’s essence or truth. How is *chatroom orange* or *disk purple* (F/W2002) authentic? Instead, and in light of the previous discussion, TCCA colour is a cultural production or what McLuhan would deem an *artefact*, “a made object” (Theall, 2001, p. 6). Art historian Michel Pastoureau would concur: society “defines [colour], gives it meaning, constructs its codes and values, establishes its uses and determines whether it is acceptable or not” (2001, p. 10). The *artefact* of colour, in short, is a social phenomena, a vivid expression of place and space.

Nowhere is this more evident than in the colour terms created and in the expressions surrounding colour. Henry Ford’s signature phrase, that his mass produced automobiles could be purchased in any colour “as long as it’s black” has more to do with the American society of 1910 and its available technology than with a particular rigidity in colour preference. One trade publication explains that Ford’s black “matched the sober, predominantly black business clothing adopted by men as an extension of the Victorian frock coat” (Strathmore, 1997) which may be the case, but it is certain that black was also *du jour* because the technology for creating and applying colourful Duco lacquer to automobiles did not yet exist.<sup>12</sup> Similarly, the artificial hues of bakelite brightening the 1930s or even the language of neon in the 1980s could not emerge without the invention of new synthetic materials and colouring processes. Even today’s language of pearlescence and mercurial, its push toward “sheen, not shine” in interiors, laminates and cosmetics stems largely from the technology that allows for colour’s complexification

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<sup>12</sup> Pastoureau, however, notes that Henry Ford “refused on moral grounds to sell cars in any colour but black” (2001, p. 113).

through refracting light and colour dissolution (K. Charbonneau, personal communication, August 21, 2002).

Language resulting from the literal making of colour or the state of technology comprises only part of its *artefactual* status. Under the auspices of TCCA, colour's role as a cultural marker, its expression of space and place, is paradoxically revealed by the names it selects. Scrutinizing TCCA's thousands of colour swatches in its archives dating back to 1915 is a truly psychedelic experience, but to the generalist it reveals little. Referencing TCCA's thousands of colour *names*, however, is a brief stroll through history. During the Great War, and after the U.S. joins the Allies in 1917, military colours like *khaki*, *olive drab*, *marine corps* and *west point* (S1918) invade the fashion forecast. Temporally, the language is much more revealing than that, with *artillery*, *infantry*, *calvary*, *cadet*, *marine*, *service corps*, *cannon*, *ambulance*, *red cross*, *navy* and *Annapolis*—the site of the U.S. Naval Academy—making the 'colour' list. Critical war resources such as *steel* are included as colours (S1917), as is the important physical mobilizer, *rail* (F1918) and the transmitted messages made possible through *wireless* (S1918). Even the reality of trench warfare is suggested with *rodent* and *rat* scurrying through the forecast (F1917, S/F 1918). Throughout the Roaring 20s, a materialistic era of fads and flappers, of fizzy champagne and Hollywood studios, these colour names shift. *Champagne* splashes onto the page of colour terms (TCCA 8<sup>th</sup> Standard, 1928) accompanied by a light hearted colour language of celebration, whimsy and self absorption—names include *gaiety* (F1921), *regatta* (S1921), *confetti* (S1923), *narcissus* (S1924), *bacchus* (F1924), *caprice* (F1925), *pompadour* (S1925), *cabaret* (S1925), and *flirt* (F1928). *Marathon* (S1921) is

introduced as a TCCA hue only months after the 1920 Boston Marathon, which hosted the Olympic marathon trails, and TCCA pays equal homage to the official event held in Antwerp, Belgium with a colour bearing its name, *Olympics* (S1921). *Billiard* (F1920) makes the break as a TCCA ‘colour’, reflecting the game’s rise in popularity in 1920s America. Even the mass media finds its place in the colour spotlight with *radio* emerging as a hue in the spring and fall forecasts of 1920, the same year that Pittsburgh’s KDKA station made the first regularly scheduled public broadcasts. *Radio* made TCCA’s list in 1921 too, the year of the first transatlantic radio contact.

In this fashion, TCCA continually acknowledges the surrounding culture in its colour choices. When the film and studio system blossoms in the 1920s, *Hollywood* (S1922) makes its TCCA debut, accompanied by the theatre favourite of *popcorn* (S1927, Std. 1928). *Egyptian red* and *Egyptian green*, both issued in fall 1923, may have been equal part of this film culture by reflecting the name of the Los Angeles movie palace, the Egyptian, built by Sid Grauman in 1922. It is more likely, however, that these two *Egyptians* stem from the wider fascination with its culture sparked by the 1922 discovery of the largely undisturbed tomb of Tutankhamun. Indeed, this would explain the sudden Egyptian motif within TCCA colour names of 1922 and 1923: *mummy*, *mummy brown*, *pharaoh*, *Saratoga*, *sphinx*, *scarab*, *Cleopatra*, *Rameses*, *Amarna*,<sup>13</sup> *Hathor*,<sup>14</sup> *amulet*, *antique bronze*—and even *papyrus*. The following decade, TCCA colour names offer a

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<sup>13</sup> The Amarna period (1353-1335 B.C.) is a significant historical era of ancient Egypt, the period ruled by pharaoh Amenhotep IV (who changed his name to Akhenaton), the great religious reformer. Tutankhamun was his son-in-law.

<sup>14</sup> In Egyptian mythology, Hathor is both goddess of the sky and queen of heaven. Wife of Horus (the sky god) and daughter of Ra (the sun god), Hathor also was the goddess of love, beauty and fertility, as well as patron of women and marriage.

respite from the reality of the depression with *bonbon colours* of *marshmallow pink* and *raspberry cream* (S1933), with *cheerio red* and *cordial green* (F1934) and with *gaiety green* (F1936) and *magic yellow* (S1939). Film's continuing popularity is screened in TCCA's 1936 *Opening Nights* colour line, which auditions hues like *premiere green*, *cinema rose*, *star yellow*, *gala gold* and *dramatique*; this is followed by *waltz blue*, *tango orange* and a host of other *swing time colours* in 1937, riding the coattails of Ginger Rogers and Fred Astaire's legendary musical *Swing Time* (1936). Even Broadway musicals provide inspiration for TCCA colours as the Association proudly announced in November 1934 when issuing *the regency pastels*. Described as "fascinating tints taking their inspiration from the alluring shades favored during the English Regency (1811-20)" these pastels were equally current, being "charmingly illustrated in a current Broadway success having as its setting this Regency period" (November 19, 1934). Captioning all aspects of culture with its terms in this manner, TCCA appears to intermittently forget colour outright. Words triumph and hues can be researched later, as the Association illustrates in its January 28, 1932 letter to members sent with an accompanying *Color Correlation Chart*—a "valuable guide" for cross referencing with the 1932 silk, woolen, shoe and leather and hosiery Spring Season cards, and one that allows merchandisers to properly market the "correct color coordination" of clothing and its various accessories (including shoes, bags and hosiery). Significant here is that TCCA does not even include colour swatches in the *Color Correlation Chart*—"the colors are named but not portrayed"—suggesting that the names have greater priority than their corresponding hues. Complicating this chart are fashion highlights named "in *bi-color* and *tri-color*

*contrasts*”, which makes the absence of actual colour all the more curious in this “most useful reference in coordinating apparel and accessories” (1932).

Language dominance of this sort is reinforced throughout the 1940s, when colour terms continue to mirror social attitudes and events. Fall’s *carnival colours* of *confetti purple* and *masquerade blue* in 1939 have a darker tone in 1940 reflecting the reality of another war. *Monotones* of *flagship navy*, *soldier red* and *green metal* colour TCCA’s forecast. When the Americans declare war against Japan and then Germany in December 1941, TCCA both reflects this reality and shows support with its fall 1942 *United Victory Colors* and spring 1943 *melodies*. Culled from both forecasts, these descriptive terms require little explanation: *alert green*, *pursuit grey*; *bomber grey*, *flight grey*, *spitfire red*; *courage blue*, *bold blue*, *commando blue*, *overseas blue*, *skyline blue*; and the rallying ‘cries’ (in full colour) of *hope green*, *honor gold*, *victory gold*, *freedom red* and *glory yellow*. A separate forecast of *good luck* colours (S1942) including *four leaf clover*, *talisman purple*, *winner’s gold*, *good luck red*, *magic coral* and *amulet turquoise* further support the cause. Beyond this, the colour forecast outlines key locations and players in the conflict. The U.S. Pacific fleet based at Pearl Harbor, the Battle of the Coral Sea (fought May 7-8, 1942), the Australasian troops of the Australian-New Zealand Army Corps., the American-held Philippines and even certain Allied countries are esteemed with *Pacific green*, *Hawaiian lime*, *Coral sea*, *Anzac beige*, *Filipino tan*, *Chinese aqua*, *Russian copper* and *Canada green*, respectively. When the war ends, TCCA celebrates with its *victory colors* (S1945) and *jubilant colors* (S1946), with *patrie red* paying homage to “the fatherland”, with *chindit green* and *Burma rose* acknowledging the daring

corps who successfully fought behind Japanese lines in Burma<sup>15</sup> and with other heroic hues like *British violet*, *Russian turquoise* and *Chinese fuchsia*. Capturing the joyous mood of victory is a separate palette of jubilation tinted *buoyant green*, *festive fuchsia*, *gay chartreuse*, *joy blue*, *cheer green*, *happy red*, *exciting green*, *rapture purple* and *glowing orange*.

TCCA colour names continue in this fashion, revealing a cultural currency over a colour one. The 1950s ‘do it for the kids’ decade is reflected in colour names that suggest elements of suburban life. *Happytones* (S1950) usher in the decade with *playgreen* and *gayblu*, while *five o’clock green*, *apertif blue*, *cocktail red* and *eventide blue* (F1950) evoke the end of the work day. Foodstuffs politely return to the forecast in a form more sophisticated than the basic fruit colours sweetening TCCA’s 1915 palette; the appearance of *mint aspic* (S1953), *frosted coffee* (F1953), *candied lime*, *frosting blue*, *raspberry frappe* (S1955), *glace lemon*, *peach soufflé*, *vanilla parfait* (S1958), and *cherry puff* (F1959) points almost directly to the popularity of *Betty Crocker’s Picture Cookbook*, the #1 best seller on the non-fiction list (Panati, 1991, p. 295). By decade’s end, TCCA—now the Color Association of the United States—even hints at the popularity of television with *voltage blue* and *static turquoise* introduced into the forecast (F1959); interestingly, this warrants a second ‘hint’ in 1965 with the issuing of *electric brights*, shortly after NBC became “the full color network” and ABC started offering 50 percent of its broadcasts in colour (Panati, 1991, p. 350).

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<sup>15</sup> Under the command of major general Charles Orde Wingate, these military commandoes were known as the *Chindits* or *Wingate Raiders*.

The list goes on, with the 1960s understated elegance of First Lady Jackie Kennedy clashing with tie-dye hippie culture. Colour categories of *candlelights* (F1960), *soft petals* (S1961), *socialites* (F1962) and *Dresden dolls* (F1967) escort the more psychedelic categories of *pinwheel brights* (S1962), *spectrum sparks* (F1963), *sparklers* (S1964) and *social whirl* (F1966). And Julia Child's seminal *Mastering the art of French Cooking* might have been the incentive behind CAUS' updated, 'haute cuisine' hues, including the reduction of *honey beige* (S1964) into *glazed amber* (S1965) and the renaming of *bread crust* (S1962) to *caramel glace* (S1965). Countless similar examples colour the following three decades: the 1970s disco craze suggested through its *sparkodelics* colours (S1973) and highly popular mood rings hinted at by *chromatic gems* (F1975), or the fact that *godiva* debuts as a colour just months before the chocolatier opens its first U.S. boutique in New York City (1972) only blocks from CAUS headquarters. CAUS issues *Apollo gold*, *Sputnik red*, *shuttle grey*, and *NASA* the same year Ronald Regan identifies space as the "next frontier" in his January 25, 1984 *State of the Union* address and the U.S. National Aeronautics and Space Administration announces its intent to build a permanent space station called *Freedom*. Threats to "freedom" of a different sort are also reflected in CAUS palettes: in the aftermath of September 11, 2001, members met to discuss the tragedy's impact on colour, envisioning a new demand for patriotic themes, comfort colours and hues of "hope and a new beginning" (CAUS, 2002, p. 8). Colours aside, CAUS names supply this comfort with a palette fleshed out around categories of *gatherings*, *compatibilities*, *close-to-home*, *bedrock*, and *hand-in-hand* (F2003, Women's).



Across almost nine decades of colour ‘naming’ TCCA/CAUS consistently demonstrates that its ‘authorship’ is sociocultural, inspired by the surrounding social and political environment. A colour card “is ever evolving” affirms Monika Tilley, Chair of the Color Association’s Women’s Committee; it “is a response to all the other influences of our time” (CAUS, 2002b, p. 4). Unquestionably so, although the degree of rhetorical connection is astonishing. Pastoreau (2001), Eco (1985) and the Colour Elite all view *colours* as social creations, yet the language of the hue proves equally creative, powerfully inscribing colours with social meaning. Certainly the eye can discern various gradations of pink, but the CAUS colour archive contains approximately four inches of index cards naming *pink*—and since the same colour can be ‘updated’ through renaming, colour *words* have greater currency than the corresponding appellation. Colour’s vocabulary roots it in space and time, connects *.com* and *DVD* colours to a particular cultural moment (F/W2001-2002, Men’s) and distinguishes it from other moments—such as the *cannon* hue inspired by the Great War (S1917). The result is that colour *per se* often separates from its meaning; the idea of *sphinx* or *spitfire* or *NASA* is instead painted upon colour’s surface. With this verbal glaze the Color Association directs the meaning of the visual, anchoring hue to a particular idea, theme or message.

Ultimately, TCCA’s bid to standardize colour and to make it seminal impacts the communication of colour. It becomes obviously commodified, packaged and sold as a vehicle for increased sales, while verbally rooted in a particular time. Standardized colour further crystallizes into social structures, defining retail stores and army rankings, signs of safety and particular schools. TCCA successfully fanned the interest in colour

commercialization, making itself relevant to both industry and government and commanding an international membership and a global presence. Above all, TCCA shifted hue, standardized and articulated, into a position of cultural prominence—one so central and expansive that it virtually escapes notice.

With the cultural prominence of colour and its commodification, the question of product marketing naturally arises; and with this question also comes the opportunity to position colour within yet another perspective on communication, from the view of visual studies. Colour, so far, has been examined in light of the law and communication, communication history, and various ideas of communications *in* history (i.e., communications as a series of networks and flows of information, hypodermic needle model, two-step flow, etc.). Now we turn to recent developments in the study of visual culture which, like many other approaches to communication, overlooks colour but may still inform our understanding of colour communication. *Regimes of vision and products of colour* (chapter 4) specifically focuses on the myriad coloured goods currently tinting our marketplace, and also evaluates them in terms of colour codification.

## Chapter 4

### Regimes of vision and products of colour

“What is at stake, after all, is an adventure of vision.”

*Derrida, 1963*

The inaugural issue of the *Journal of Visual Culture* has Mark Poster articulating a new direction for visual studies. “Visual studies, I propose, is most productively conceived as media studies” (2002, p. 67). Poster justifies this proposition by pointing to today’s vast spread of information machines and a resulting cultural landscape marked by “the digitization of text, sound and image” (p. 69). What distinguishes our visual regime and separates it from “our ancestors in the Middle Ages” is that “we employ information machines to generate images and, as Virilio argues, to see” (p. 68).

Poster rightly observes the impact of information machines on contemporary visual culture, but perhaps magnifies their import as *the* distinguishing tag of modern society. Other differences exist between the visual regimes of today and those of yesterday, and I would like to suggest that beyond the integration of sound, text and image there is a shift in the *deployment* of the visual—our ‘seeables’ have a different gloss. It is not true, as Mirzoeff argues in *An introduction to visual culture* (1999), that “human experience is now more visual and visualized than ever before” (do we use our eyes more than our ancestors did?)<sup>1</sup>; rather, the domains of visibility are more open and pliable. This is amply illustrated in the world of colour where hue is being newly bent and reworked, and

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<sup>1</sup> Poster (2002) observes this in his article and respectfully challenges Mirzoeff’s claim.

becomes the object of a playful bricolage—this, despite the variegated attempts at codification by trademark regulations, industry, and the ‘Colour Elite’.

So when Poster contends that “the study of visual culture is best serviced by being recast into media studies”, we should pay heed—but only if there is a coterminous recasting of media studies itself, one that recognizes ‘media’ in its full capacity, both wired *and non-wired*. With media re-understood, we can take a second look at visual culture to observe intellectual historian Martin Jay’s nod, in “Visual culture and its vicissitudes” (1996), toward its democratic impulse. This democratization entails:

the growing willingness to take seriously as objects of scholarly inquiry all manifestations of our visual environment and experience, not only those that were deliberately created for aesthetic effects or have been reinterpreted in formalist terms. (Jay, 2002, p. 88)

To properly study images, Jay argues, it proves “necessary to focus on how they work and what they do, rather than move past them too quickly to the ideas they represent or the reality they purport to depict” (p. 88). Technologies of visual production and dissemination are acknowledged by Jay but, unlike Poster, visual studies do not have to be contained within the electric fence of information technology.

The starting point for this chapter, then, hides in the spaces of James Elkins’ definition of visual studies, which affirms

visual studies is predominantly about film, photography, advertising, video and the internet. It is predominately not about painting, sculpture or architecture, and it is rarely about any media before 1950 except early film and photography.

(Elkins, 2002, p. 94)

*Predominant* preoccupations clearly have spaces, and thus do not preclude the study of peripheral objects, such as the painting *upon* advertising, or the recognition of unusual advertising forms—such as colour as a product signifier.<sup>2</sup> This opens the door to consider colour communication (and its codification) from yet another angle, one that probes the *application* of colour on products and asks how it works to both constrain and expand colour's repertoire of meanings. So when I affirm the domain of visibility is more open and proclaim a shift in the deployment of the visual, it is with colour squarely in mind. As this chapter evinces, visual 'openness' to colour (particularly in the product arena) translates into a willingness to transgress accepted protocols of colour use, while a coordinate shift in the deployment of visibility results in a new expression of cultural colouration. Yet in tracing the application of colour on products one finds that visual deployments of colour 'play' appear in the most surprising places. Particularly surprising is that 'shock' hues often debut through the doors of the very businesses that seek claim to a completely different 'signature' colour.

Before embarking on this probe into colour, it is important to note the following: while it is possible to view coloured products and products of colour through the

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<sup>2</sup> Elkins would likely disagree. As he affirms, "[v]isual culture is therefore a particular slice of the sum total of visual production, not the study of visual products in general" (2002, p. 94).

monocle of advertising, the result would be an equally flat understanding of colour use in today's marketplace. Rich perspective comes from considering colour from *multiple* angles—certainly, along the edge of commercialization, but also with a view to colour codification and its broader place in culture. Only this will allow for the disclosed presence of colour; or, stated differently, only this will permit us to answer Martin Jay's (earlier noted) questions in light of colour images, by focusing on "how they work and what they do", instead of dismissing colour as an unproblematic element of commercial culture.

Colour saturates commercial culture. Glossy magazines, bright packaging and flashy billboards; coloured malls and cars and computers and cell phones and clothing—the visual cacophony of Times Square has spread, in various degrees, beyond New York. Colour's popularity is expressed from the cosmos right down to the ground, in headlines trumpeting that astronomers from John Hopkins University (using the "Cosmic Spectrum") have calculated the colour of the universe,<sup>3</sup> and in the quiet buzz surrounding Rutgers University's Center for Turfgrass Science, where scientists toy with the idea of marketing orange or red grass made possible through gene manipulation (Spears, 2002, p. A12).

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<sup>3</sup> This was achieved by charting data from the Australian 2df Galaxy Redshift Survey, which analyses over 200,000 galaxies situated 2 to 3 billion light years from earth. Combining these galaxies into the "Cosmic Spectrum", Karl Glazebrook and Ivan Baldry calculated the colour that would be seen if the energy from all those 200,000 galaxies and their corresponding light wavelengths focused on one point (See Recer, 2002, np; McKeen, 2002, p. A1.).

While the previous chapter discussed the ‘expanding universe of colour codification’ started in the 20<sup>th</sup>-century, perhaps *this* explosion of colour comprises a 21<sup>st</sup>-century expression of “ocular madness”—a description Jay used to characterize the undercurrent running beneath Cartesian perspectivalism, the subordinate (and largely overlooked) Baroque scopic regime of modernity. In this regime, the “open and pliable” nature of visuality (which typifies today’s society), triumphs. Extinguish fears of rampant ahistoricism here for, as Jay notes, it is possible to see the baroque “as a permanent if often repressed, visual possibility throughout the modern era” (Jay, 1988, p. 16). This visual possibility strongly relates to conceptions of postmodernity. The baroque scopic regime is “painterly”, “multiple, and open” (p. 16), and can be further understood (as per the writings of French philosopher Christine Buci-Glucksmann) as a visual experience “celebrating the dazzling, disorienting, ecstatic surplus of images” (p. 16).<sup>4</sup>

Indeed, it is the postmodern ocular madness of colour to which we now turn in *our* culture of dazzling and surfeit images. Spotlighting the surplus of

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<sup>4</sup> The periodization of scopic regimes obviously requires some elaboration: Jay’s article titled “Scopic regimes of modernity” observes that the modern era has been dominated by the sense of sight, but *competing* scopic regimes exist—visuality is contested terrain. Jay thus sketches out three main “visual subcultures” in modernity: *Cartesian perspectivalism* (which flourished in the Renaissance and is presented as the dominant—and often the sole—visual model of modernity); *the art of describing* (characteristic of 17<sup>th</sup> century Dutch painting, and defined by arbitrary frames and the interest in depicting a fragmentary world); and *the baroque* (a style characterized by ocular madness). Jay claims that “although it may be prudent to confine the baroque largely to the seventeenth century and link it with the Catholic Counter Reformation or the manipulation of popular culture by the newly ascendant absolutist state—it may also be possible to see it as a permanent, if often repressed, visual possibility throughout the entire modern era” (1988, p. 16). Jay goes on to affirm that “if one had to single out the scopic regime that has finally come into its own in our own time, it would be the ‘madness of vision’” identified with the baroque (p. 19).

(commercial) colour images for their implications, the analysis also suggests how chroma-ocular “madness” shifts our understanding of contemporary communication.

Colour products and/or products of colour can be understood as belonging to three interconnected categories: 1) colour as expression of identity or quality; 2) colour as mark of individuality; and 3) colour as cosmetic. All of these categories come bound with a separate set of (often tricky) implications for colour codification—and for colour communication as a whole.

### **Colour as expression of identity or quality**

In the product world, this plays out most obviously in the large trademark brands: Coca-cola red and Pepsi blue, Barbie pink and John Deere green—or the signature blue of Tiffany’s boxes, used since 1836. Air Canada’s Zip airlines coloured the runways in September 2002 with its bold palette of blue, fuchsia, orange and green planes. Fruit-flavoured iMacs (in blueberry, strawberry, grape, lime and tangerine) stole center stage in 1998 to transform the Apple computer into an aesthetic and tasty digital décor. Nokia, the Finnish telecommunications titan, enjoyed similar distinction by offering the first coloured cell phones in 1992. And another international telecommunications company, Orange, fused both name and hue into its trademark, bursting onto the communications scene with an orange square logo containing the word “orange” typed in plain white font and a simple slogan: “The future’s bright. The future’s Orange.”



Hues such as these function to offset particular brands, with tangerine becoming part of the iMac identity and Orange absorbed into telecommunications. Colourful examples like these abound. Consider, for instance, the beverage industry whereby colour extends far beyond tinting cans red for Coca-cola and blue for Pepsi. Wolf Blass, the internationally renowned Australian wine vintner, has made hue so integral that it actually names wine by colour code. Customers simply request *Yellow label* or *Red label*—or *Green, Brown, Grey* or *Black label*—thus subordinating the all-important varietal to Wolf Blass’ ‘coloured’ vintages. Or consider Starbucks, which feels its signature green expresses the company so exclusively that it threatened legal action against an independent coffeehouse serving coffee in green cups (McLeod, 2001). Even liquids can be tinted to express a particular product identity, as per the launch of *Code Red Mountain Dew* in 2001 or, in 2002, Sobe’s *Mr. Green*, Dr. Pepper’s *Red Fusion* and Pepsico’s *Pepsi Blue*, a berry flavoured beverage that looks remarkably like Windex.

*Quality* is also expressed by colour, and is perfectly illustrated in the marketing of food. White bread tinted brown is perceived as more healthy while red apples command the highest market price. Oranges with green peels, which can be fully ripe, are degreened with ethylene gas to create a marketable orange colour. Myriad scientific studies substantiate this premise, that colour influences the perception of consumables. Colour can alter a food or beverage’s perceived

flavour, sweetness, intensity, odour or acceptance (Bayarri, Calvo, Costell & Duran, 2001; Garber, Hyatt & Starr, 2000; Zellner & Whitten, 1999; Chan & Kane-Martinelli, 1997; Strugnall, 1997; Oram, Laing & Newell, 1995; Stillman, 1993); it can make cherry-flavoured drinks taste like orange (Philipsen, Clydesdale & Stern, 1995) and can alter the olfactory judgements of wine tasters (Morrot, Brochet & Dubourdieu, 2001). Colour can make people like yogurt better (Norton & Johnson, 1987) or influence the pleasantness of a chocolate's taste (Rolls, Rowe & Rolls, 1982).

Perhaps colour's power to influence stems partly from its *associative value* (Kandinsky, 1947), such as linking red with blood or, in the case of food, associating brown with chocolate. Perhaps too, this associative value explains the dismal failure of Crystal Pepsi and Miller-Clear beer, two clear beverages that were fundamentally at odds with the visual product *quality* of both cola/caffeine and ale. Indeed, colour's associative value or colour/quality function also sits at the root of an also ongoing regulatory dispute between Quebec and Canada's oilseed industry, since Quebec is the only province to still ban coloured margarine under the auspices of protecting its 10,000 dairy farmers who would purportedly lose jobs if consumers could not tell the difference between margarine and butter (Marotte, 2002, p. B4).

### **Colour as mark of individuality**

Categorizing colour as “a mark of individuality” brings to mind the ‘80s craze of ‘having your colours done’, a complex process of fabric draping and subsequent declarations of the customer-in-question’s season, ideal lipstick shade and appropriate fashion hues, as well as the grave determination as to whether she could ever again be permitted to wear black. But colour’s individual tailoring exists in more subtle variants. Colour can be seen to express *character*, a person’s identity, personal characteristics, values and interests, as Gunther Kress and Theo van Leeuwen (2002) observe by referring to various “expert” discourses surrounding home decoration in “Colour as a semiotic mode: notes for a grammar of colour.” Quoting *The power of colour to heal the environment* (among other sources) Kress and van Leeuwen highlight how “experts” articulate the direct relationship between a home’s entrance hall and its owner(s) character or identity:

A yellow entrance hall usually indicates a person who has ideas and a wide field of interests. A home belonging to an academic would probably contain a distinctive shade of yellow as this colour is associated with the intellect, ideas and a searching mind... A blue entrance hall indicates a place in which people have strong opinions—there could be a tendency to appear aloof as they can be absorbed too much in their own world.

(cited in Kress & Van Leeuwen, 2002, p. 358)

Colour’s power to reflect personal identity is also suggested in quirky products designed not to paint the environment, but to *record* it. Polaroid’s new i-Zone Color Changing Instant camera, for example, takes inspiration from the mood rings popular in the 1960s and changes colour based on an individual’s body heat. The camera, like the entrance hall, suggests personal identity based on surface representations, which is reinforced by Polaroid’s press release that claims users of the colour changing technology “have an

individualized experience with the camera each time they point and click.” Presumably this “individualized experience” transforms a mass produced marketed item into a personal sign; it certainly gives new meaning to John Berger’s (1972) claim that *to see is to own*, for now the selection and framing of objects through the camera lens is complemented by a personal expression that *others* (like those in front of the camera) can see. Still, the ‘ownership’ resides squarely in the hands of the camera-holder, for (s)he alone (through body heat) determines what colour the others see.

Consumers’ apparent ‘determining power’ over colour also plays out in marketing campaigns geared to emphasize people’s role in choosing the colours in our world. M&M’s Global Color Vote™, launched by Masterfoods USA in March 2002, provides a perfect illustration of this. “Residents from every region of the world will be eligible to vote” for the newest M&M colour “by logging on to [www.mms.com](http://www.mms.com)”, claims the company’s press release. Despite its less-than-democratic voting procedures which made eligibility contingent upon internet accessibility, Masterfoods proudly announced on June 19, 2002 that “the world” chose purple (over pink and aqua) as M&M’s newest colour. What does this mean to colour communication? Firstly, it underpins Elfriede Fursich and Elli Roushanzamir’s *commodification model of communication* which, in light of the economic impact and cultural expansion of corporations, views “communication as always commodified” (2001, p. 392). Under this commodification model, the audience is positioned as a consumer *not* a citizen, and public spaces become increasingly commercialized “while seemingly maintaining a public/democratic image and functions” (p. 393). With the M&M Global Colour Vote™, democratic action is reduced to a literal

shell. Meaningful choice here equates to selecting *one* colour in a handful of candies, a colour that will scatter, thanks to the international reach of Masterfoods, through public space with the seeming benison of the global populace. This illusion of choice is bolstered by the marketing of M&M's candy kaleidoscope of colours. The brown coated chocolate pellets introduced to U.S. consumers in 1941 splintered into brown, red, green and yellow in 1960, and by 1996, the 21 brightly coloured M&M's available allowed consumers to create "their own personalized color blends to add their unique touch of color to every special occasion" (<http://global.mms.com>). This touch differs from the physical alteration witnessed with Polaroid's i-Zone, but is nonetheless presented as a form of participatory action. Consumers can use M&M's Colorworks Candies to create their team, school or corporate colours, to match wedding colours or to celebrate holidays. Consumers are equally informed that purchasing M&M's in particular colour schemes can equate to nothing short of a patriotic act: Americans can "celebrate the freedom and independence" of the 4<sup>th</sup> of July by purchasing, for example, Stars & Stripes M&M colours (in red, white and blue) ([www.colorworks.com](http://www.colorworks.com)). Owning this coloured mix, like painting an entrance hall a particular shade, apparently demonstrates personal character traits—in this case it allows consumers to "show off [their] pride." Masterfoods equally prods consumers to display compassion through coloured candy purchases like the initiative spearheaded to raise money for the American Red Cross: "Order a set of Red, White and Blue 'M&M's'® packs and 'M&M's'® Brand will donate 100% of product sales price to the American Red Cross Disaster Relief Fund. **It's one way you can help those in need**" ([www.colorworks.com](http://www.colorworks.com)). Here, help comes *not* from candy but

from its particular colour—and apparently the palette of compassion exists solely in red, white and blue.

### **Colour as cosmetic**

In many respects, colour's *cosmetic* nature embraces the previous categories whereby hue marks identity, quality or individuality. Colour categories bleed together, for the *qualities* or particular *identity* suggested by colour is tightly bound with ideas of costuming. Even colour's etymology reveals its relationship with the costume or cosmetic: "the Latin *colorem* is related to *celare*, to hide or conceal", although it originally meant a covering; "in Middle English 'to colour' is to embellish or adorn, to disguise, to render specious or plausible, to misrepresent" (Batchelor, 2000, p. 52). Linguistic science thus suggests we approach the cosmetic of colour with caution—for what deceptions or dangers may hide beneath the bright packaging?

David Batchelor's *Chromophobia* (2000) acknowledges the "cosmetic" as one primary lens through which Western culture views, and consistently devalues, colour. To Batchelor, "[i]f the cosmetic is essentially anything, it is essentially visible... essentially visible, essentially superficial and thinner than the skin onto which it is applied. Cosmetics adorn, embellish, supplement" (2000, p. 52). In short, the cosmetic—frivolous and superficial as it may be—decorates our world. It brightens the visual culture Poster wants to move into media studies, and adds the dazzle to the "ecstatic surplus of images"

characterising our postmodern ‘baroque scopic regime’.<sup>5</sup> And in the realm of commodity culture, colour can provide the spectacle that seizes consumer attention. Let’s sidestep the obvious examples of the way Coca-cola red encases its brown liquid—or saturates the signage of developed and developing countries alike. Trademark colours such as these can be viewed as colour ‘regularities’, signs that, according to Kress and van Leeuwen, ‘arise from the interests of the sign makers’ and are ‘not at all arbitrary or anarchic’ (2002, p.345). Our focus, instead, is *on* the arbitrary or anarchic, on the more remarkable ‘cosmetic’ applications in the product world, applications that emphasize the “essentially visible” nature of colour and its power to adorn. ‘Remarkable’ cosmetic applications, it is important to note, span a range of product categories, and the selection of products highlighted is in many ways as frivolous as the colours that supplement them: I have chosen new products that have caught my eye, ones that evince an openness to colour application and display the relative plasticity of colour in an environment that is equally preoccupied with controlling it.

Batchelor’s notion of the cosmetic is abundantly displayed in the world of food, where the “essentially visible and superficial” (p. 52) is a virtual creed and embellishments by colour often efface the product being adorned. *Essentially visible* today are a host of pointedly decorated items: Heinz’s EZ Squirt Blastin’ Green and Funky Purple Ketchup; Ore-Ida’s (a division of Heinz) Electric Blue Funky Fries™; Parkay’s Shocking Pink and Electric Blue Fun Squeeze margarine. Colouring supermarket aisles are blue Pepsi cola and Dr. Pepper’s *Red Fusion*, rainbow coloured *Goldfish* by Pepperidge Farm, Kraft’s

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<sup>5</sup> As per the discussion on Jay at the beginning of this chapter.

*Blue's Clues Macaroni and Cheese* (with blue coloured paw prints) and Mott's *Blue's Clues Berry Flavored Apple Sauce*—tinted an appetizing “theme-park-water-ride” blue. Cereals, of course, come in all colours of the rainbow: beyond *Rainbow Rice Krispies* and the artificial glare of *Fruit Loops* are Kellogg's vibrant green *Apple Jacks*, green and purple *Buzz Blasts* and the newly released multi-coloured *Mickey's Magix*, which “magically” turns milk pastel blue. Heralding this “blue magic” theme in 2000 was Nabisco's limited edition *Oreo Magic Dunkers* that, when dunked in milk, also turned it blue. Less interactive (but also blue) are Kellogg's *Frosted Wild MagicBurst* blue raspberry striped *Pop Tarts*. Or, for the very adventurous, there are mystery-coloured consumables, including *Kool-Aid Magic Twists Switchin' Secret*®, a drink mix that “turns into a secret color and flavor” (Kraft, 2002), or *Frito Lay's Mystery Colorz Snack Cheetos* which, while still neon orange, turn the venturous consumer's tongue either blue or green. Herr's pink *Changing Cheddar Magic Popcorn* also promises a green tongue. Heinz, too, has entered the mystery world with its suspenseful *EZ Squirt Mystery Color* ketchup, in which the bottle veils the condiment inside—coloured either *Passion Pink*, *Awesome Orange* or *Totally Teal*.

What to make of this colourful array of consumables? Obviously, ‘electric blue’ fries grab attention, but there is a communicative problem that rests behind the products that present—and the marketing that trumpets—the incongruity of startling food colours. For *marketing communication* purposes, novel colours can mean increased sales: the strategy is “to celebrate the very incongruity of a novel food colour, to announce to the consumer that its novelty is there to surprise and delight and the proper response is to have fun and



enjoy it” (Garber, Hyatt & Starr, 2000, p. 68), and this strategy seems prudent in an era of communicative abundance. It’s another means of making a product stand out from the hundreds of competing products vying for the consumer’s attention. But these incongruous hues raise a different set of issues for *communication*, ones that pertain to the excess of images and their impact, the bending of colour communication and the ‘deception’ of ornament. If these startling colours make products stand out, if they spark delight in the consumer, they equally speak to a movement within the broader culture. And this movement shows considerable power accorded to colour. Consider Alexander Garcia Duttman’s brief expository on visual culture in light of hue: Duttman notes that among other things, visual culture means that “a culture is based on images rather than on concepts, or that images have become predominant within a particular culture and have replaced words” (2002, p.101). With the blue food craze—blue fries, applesauce, cola, margarine and macaroni and cheese—*colour* speaks volumes. Rhetorical claims of *New and Improved!* or *Even Better!* can recede since the material substance conveys (modernity’s) ‘message’ of the new. *Passion Pink* ketchup and *Shocking Pink* margarine have no need for *words* about their novelty for it spills from their squeeze bottles and chatters back from plate.

There in an adventure promised by colour here, an adventure that begins with the deliberate breaking of colour’s accepted code. Colour codification is unquestionably present, peering out from behind the camouflage of *Awesome Orange Heinz* to see if we get the joke. The play or delight experienced comes from the knowledge that ketchup is not *supposed* to be orange, that the visual representation is itself an image, an artifice and

a cosmetic. Clearly many bizarrely tinted foods are targeted to children, where the delight is reserved for the youngsters and the joke is on the parents who may not find the green foodstuffs in Burger King's 2001 "Choose the Ooze" campaign particularly appetizing. But the adventure requires more than the acknowledgement that kids influence roughly \$290 billion in purchases each year, and have direct spending power of approximately \$35 billion (Kauffman, 2002; Howard, 2001): the adventure has to first reveal its magic and then ponder, "How did we get here?" and "What does it mean?"

Today's 'magic of colour' is far removed from Hegel's discussion in *Aesthetics* on "the magic of color and the secrets of its spell" (cited in Riley, 1995, p. 23). Hegel's work, addressing the philosophy of beauty and the power of colour, finds that colour's "magic" inheres in its ability to create in paintings the sensation of spatial relations, shape, distance, boundaries and contours. Its magic further springs from a "system" that creates harmony by "embracing all the hues of the spectrum in one translucent effect" and that draws from a palette where all tones are equal in priority (Riley, 1995, p. 24). Hegel's *magician* is the artist who handles colour in such a manner that the "substance and spirit of objects" evaporates.

The magic consists in so handling all the colors that what is produced is an inherently objectless play of pure appearance which forms the extreme soaring pinnacle of coloring, a fusion of colors, a shining of reflections upon one another which become so fine, so fleeting, so expressive of the soul that they begin to pass over into the sphere of music... Owing to this ideality, this fusion, this hither and thither of reflections and sheens of color, this mutability and fluidity of

transitions, there is spread over the whole, with the clarity, the brilliance, the depth, the smooth and luscious lighting of colors, a pure appearance of animation; and this is what constitutes the magic of coloring and is properly due to the spirit of the artist who is the magician.

(cited in Riley, 1995, pp. 24-5)

With commercial colour “magic”, Hegel’s “objectless play of pure appearance” is utterly bent so that the new end becomes the “play of pure appearance of objects.” Its magic is not to create the illusion of harmony as Hegel would like, but to revel in the discordant, to transform ketchup from the common to the curious. Colour’s mutability and fluid transitions created by the hands of an artistic genius, which Hegel so appreciated, is equally transformed in today’s commercial marketplace: enter *here Kool-Aid Magic Twists*, an “interactive” drink mix that, according to Kraft’s tagline, “Changes colors right before your mouth!” Kool-Aid’s *Changin’ Cherry* is a green powder that turns blue (but tastes like cherry) while *Grape Illusion*’s gold powder turns red (but tastes like grape). Here the “fluid” transitions are literal and ironic, the “mutability” a game; the magic is not the artistic creation of a genius, but the stained alchemy that promises blue milk out of *Oreo Magic Dunkers* and *Mickey’s Magix*, and blue tongues out of *Mystery Cheetos*. As with the Global M&M vote, the participatory action required for this alchemy is nothing more than a shell or cosmetic. Hegel’s magician of colour *creates* the masterpiece, brings it into being, infuses it with spirit; today’s magician adds water, stirs, and waits to see what happens. Given this, coloured products are more in keeping with Batchelor’s claim that “[f]iguratively, colour has always meant the less-than-true and the not-quite-real.” “Not-quite-real”, tellingly, is another way to describe the sleight-of-hand that can also parade as magic.

### Deception... or disclosure?

Here we must give pause to ask if the adventure is one of deception. Is there some striking disclosure to be found in *this* excess of colour, in its deliberate breaking of the colour code and in its promise of magic? According to Batchelor's survey of Western Civilization's attitude toward colour since Antiquity, many voices in philosophy, art, art history and literature would say "no". Aristotle called colour *pharmakon*—a drug (Batchelor, 2000, p. 31)—and art critic Charles Blanc warned that an excess of colour over design in painting would lead to destruction: "it will fall through colour just as mankind fell through Eve" (cited in Riley, 1995, p. 6). Le Corbusier considered colour in architecture a "modern form of degeneration" (Batchelor, 2000, p. 45) and Batchelor sums up Western culture's prevailing attitudes with the claim that:

Colour, then, is arbitrary and unreal: mere make-up. But while it may be superficial, that is not quite the same as it being trivial, for cosmetic colour is also always less than honest. There is an ambiguity in make-up; cosmetics can often confuse, cast doubt, mask or manipulate; they can produce illusions or deceptions—and this makes them sound more than a little like drugs.

(Batchelor, 2000, p. 52)

Duplicity, it seems, rests at the core of the coloured world. Batchelor continues on to affirm that part of the problem resides in the "make-up" of colour:

If surface veils depth, if appearance masks essence, then make-up masks a mask, veils a veil, disguises a disguise. It is not simply a deception; it is a double deception. It is a surface on a surface, and thus even farther from substance than 'true' appearance. How things appear is one thing; how things appear to appear is another. Colour is a double illusion, a double deception.

(2000, p. 54)

This sounds a lot like hyperbolic word play, especially in view of the novelty-hued products whose very appeal stems from the utter surface-ness of the surface. Ostensibly, Ore-Ida's fries are more appealing because we *know* they are disguised in 'electric' blue—the fact that we are *not* deceived makes them special.<sup>6</sup> So where's the deception? Deception intuitively must reside in the colouring that *pretends* to be real, the green oranges gassed until they are orange, the yellow tinted margarine that impersonates butter (to the great offence of Quebec dairy farmers!). But colourful hue can hide something else, something media critics like Marcel O'Gorman find altogether distressing: emasculation. O'Gorman looks at the colourful shells and custom desktops of computers, identifying the "digital peacocking" of the computer fashion scene as "the site of disempowerment, programmed ignorance, and packaged identity formation" (2000, para. 1). The problem for O'Gorman is that the pretty colours and desktops of the iMac (for example) distract consumers from the important issue of understanding *how* the machine works—we should know how to *control* the computer, he argues, not display it as an accessory! Tinted computers become "personal style-voguish signifiers of well being" and the aesthetic fillips ultimately anesthetise: "as the desktop computer becomes more simple to use and more attractive to behold, the user is unwittingly faced with an increasing loss of power and control over the machine" (2000, para. 1). Dire consequences will result from this colourful seduction, O'Gorman warns. Users, increasingly reliant on the pretty corporate fashion machines delivering their information

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<sup>6</sup> This relates to Kress and van Leeuwen's (earlier noted) observation on the regularities of colour use. Kress and van Leeuwen's (2002) article on the semiotics of colour also explains that, as a grammar, colour's regularities can be contravened (p. 346). In this case, the existence of blue fries or blue macaroni would comprise a contravention of colour's regularity, an 'ungrammatical' use of the semiotic resource.

fail to realize the extent to which they are disempowered *and also deceived* by the corporate giants which create aesthetic hardware and software, but *also* filter, shape and ultimately control information. Here, where we don't recognize the disguise, Batchelor's commentary on double deception makes more sense.

The deception also makes sense when the colours are presented as if a form of empowerment—casting electronic votes on the next M&M shell colour, changing gold powder into red drink—for this is an empowerment of trifles. The manipulation of the visual media of colour (along with O'Gorman's concerns about digital peacocking) inevitably brings us full circle, back to the beginning of this chapter and to Poster's analysis of visual culture as media culture, because mass mediation *does* occur, although it isn't solely in terms of information machines. Poster (2002) observes that media are fundamentally changing, expanding and interacting with each other in unpredictable ways (i.e., the internet absorbing radio, film and television)—and when I assert that his observations equally apply to the media of colour (whose application is also changing, expanding and interacting 'unpredictably' with other media), my intent is not to pervert or radically decontextualize his work but to point to a similarity between these visual cultures, wired and non-wired. As per the digital world, there is an 'open content' to commercial colour, a material transformation *suggested* (and also perceived) by the changing of Heinz red to pink, purple, green, orange or teal. This 'content' is mediated by those who choose the colours or create the cosmetic, and curiously, a new product relationship is promised to the consumer with the addition of each new hue.

In winding up this journey on “Regimes of vision and products of colour”, Derrida’s introductory quote has great meaning, for “[w]hat is at stake, after all, is an adventure of vision.” But the adventure still needs to make sense from a communication perspective: it cannot end without first responding to the (earlier posed) questions of “How did we get here?” and “What does it mean?”

Answering the first query requires a look to our current visual culture, one characterized by myriad forms of media(ted) messages and an incredible surplus of images—a culture of communicative abundance. Arthur Kroker claims that modern society is no longer characterized by the disembodied eye:

It is the age of the bored eye: the eye which flits from situation to situation, from scene to scene, from image to image, from ad to ad, with a restlessness and high-pitched consumptive appetite that can never really ever be satisfied. The bored eye... demands novelty. It loves junk images. It turns recombinant when fed straight narratives. It has ocular appetites that demand satisfaction.

(Kroker, 2002, para. 38)

Kroker’s ‘bored eye’ contains the same restlessness of Jay’s ‘ocular madness’. This eye delights in purple Heinz then just as quickly demands passion pink; it relishes bending the colour code simply for the sake of bending it. We have reached this stage of boredom, claims Kroker, primarily because of digital technology, which causes the disappearance of the image into virtuality, and because of the velocity and intensity of image proliferation. The bored eye exists, Kroker says, because virtuality has triumphed and our culture has lost faith in representability. It is proper to acknowledge Kroker’s explanations for the bored eye, even though they revolve around digital culture and thus really do not concern us here. Digitality is merely *part* of our culture, it does not wholly define or

explain it. And I must disagree with Kroker in part: we have not lost faith in representability—not the representability of colour, at least—for its role in signalling product identity, quality and individuality is strongly heeded. “Loss of faith” isn’t quite right in the understanding of pointedly “cosmetic” products either; in opening up material content to radical colours, our society simply is no longer taking the colour representation *seriously* (i.e., margarine does not *have* to be yellow). The color code is still important—but important precisely so it can be broken.

If communicative abundance and the bored eye explain our culture’s readiness for chroma-ocular madness, then what are the implications of this phenomenon? In one sense, colour clearly has been hijacked, subverted by the very corporations that seek to codify hues for particular ends. This hijacking of colour is *not* attempted for the purposes of *détournement*, for revealing the utter artificiality of particular products (as the Situationists might have done) by creating its vivid parody. Rather, the colourful diversion occurs to consolidate the product’s power, to move it into centre stage.

Colour codification is still at play, although now with a theatrics and a series of tinted promises: promises of marking individuality, participatory action and patriotic display; promises of fun, delight and magic; promises of artistry and colourful adventure. Surface promises, cosmetic ones, ones that occur within a commodification model as part of a large corporate network in which *sales* stand as the ultimate end of a communicative act. Remarkably, many of these promises inhere *in the colours themselves* and their particular application, and in the suggestion that the associative quality assigned to particular hues



can be delightfully bent. Yet this product costuming, by its capacity to distract, can be viewed as deceptive (i.e., Batchelor) or even destructive (O’Gorman).

Thankfully, a broader perspective exists, one that moves beyond the product world. Excess in commercial colour use suggests that *despite* the existence of codification, colour has limitless applications. We can either lament its artificiality or revel in its plasticity; and despite the general hollowness of the marketed promises within our coloured product world, a spontaneity remains. The commercial origin of this particular colour ‘spontaneity’ robs it of authenticity, yet the message is legitimate: the commonness of colour, its excess, does not necessitate that it fade from view. From a communication perspective, marketing shock hues is like deliberately introducing noise into a network and then asking people to listen to the static: it’s jarring, distracting and often a little more than irritating—but it prompts one to look at the communication system more closely to see what is going on. This scrutiny reveals a visual culture with *more* than information machines comprising its media forms and with a strangeness that suggests colour’s pure potential to awe. Again, deliberately manufactured ‘static’ is a cosmetic in the purest sense of the term. Necessary, instead, is the creation of colour codes (or ‘shocks’) from within our culture, grassroots expressions of colour use that illustrate its communicative capacity from a different angle. This creative use of colour in public space is the subject of the next chapter.

## Chapter 5

### Code pink: Colour (and contention) in public space

“Am I mistaken to maintain that this blue is a public property,  
as much as a park, for all to see...”

*William Gass, 1975*

“Now the whole damn bus is cheering  
And I can't believe I see  
A hundred yellow ribbons round the ole oak tree...”

*Tie a Yellow Ribbon 'Round the Ole Oak Tree*

Philosopher William Gass and the 1970s pop group Tony Orlando and Dawn both draw attention to a fundamental aspect of colour communication: it is *public*, part of a symbolic ‘commons’ through which people stroll and perhaps tie colourful ribbons—ribbons whose meanings are individually or socially determined. *Public* uses of colour serve as a valuable foil for decidedly commercial colours and trademarked hues, and for cliques like the Color Association of the United States and the Color Marketing Group which ‘direct’ and control the colours of our clothes, cars, accessories, home interiors/exterior/furnishings and commercial marketplaces. Colour most certainly is codified through law (i.e., trademarking hues), corporate players, industry affiliates and marketers—most of which affirm that a particular chroma means something specific. This plays out in various ways: in the context of beverages, for example, colour’s ‘meaning’ translates into the classic red=Coke/blue=Pepsi heuristic; in ketchups, Heinz gained condiment fame for its playful breaking of the ‘tomato red’ color code with *EZ Squirr Funky Purple Ketchup*. In the legal realm, colour’s ‘meanings’ are literally codified by Canadian and American regulations that allow colour *per se* to be trademarked—the affirmation that, in certain contexts, green-gold signifies Qualitex dry

cleaning press pads and pink signifies Owens-Corning's fiberglass insulation. These commercial and legal constraints powerfully tint our culture *and its colours*, but do not exhaust the possibilities for colour in public space.

Operative here is the question of how *we* codify colour and strive to constrain its communication; the "we" comprises public actors, groups and grassroots organizations, those who employ hue without the general motive of profiting (financially) from it and, contrarily, who sometimes codify colour to accentuate movements for public benefit. Exploring 'public' codification is important for revealing colour's dialogic potential, as well as the ways in which people 'speak through' colours in voices that may have little to do with trademarks or the commercial market. While various scholars have skilfully illustrated how corporately owned 'communicators' such as trademarks can bring people together by providing a common "lingua franca" (Dreyfuss, 1990, p. 397)<sup>1</sup>, the common language of colours can emerge in forms separate from, or utterly outside, *commercial* trademarks.

Exploring public expressions of codification draws attention to the fact that *colour* communication aptly fulfils the function accorded to 'communication' writ large, which has to do with the "project of reconciling self and other" (Peters, 1999, p. 9) or the "task of building worlds together" (p. 30). Sometimes these 'worlds' are small or localized, as per the urban gangs who use colours (and not merely clothing colours) to mark their

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<sup>1</sup> See also Coombe & Herman (2001) and Coombe (1998), for discussions on how the appropriation and/or alteration of commercial trademarks can provide a space for community building and public expression.

presence; other times colour communication is used globally, as an international symbol of support or awareness for a cause, as is the case with the pink ribbon campaigns. Regardless of the type of ‘worlds being built’, colour’s very nature makes them highly visible—and equally visible is the subsequent public interaction with these particular community- or cause-oriented colours. In brief, codification of colour within public space exists, as do challenges to that constraint. Moreover, probing colour codification by ‘communities’ within public space brings us to a richer understanding of visual culture (discussed in chapter 4): it, like colour and like Gass’ park, is public. W.J.T. Mitchell argues in *Picture theory* (1994) that images *must* be confronted in public space while Nicholas Mirzoeff’s *An introduction to visual culture* (1999) frames visual culture as an active site which studies “the genealogy, definition and functions of postmodern everyday life from the point of view of the consumer, rather than the producer” (p. 3). Both authors affirm the *public, active* nature of visual culture and the power contained within images, although this analysis on colour codification places more emphasis on the *initial* creation and framing of the (colour) visual in public space, and the bending or challenging of that visual. What’s more, the ‘site’ of colour codification seems more active than other visual sites—the use of colour *per se* to connote presumes great awareness on the part of its actors, as there is no text to situate the message. Mirzoeff affirms that visual culture “does not depend on pictures themselves but the modern tendency to picture or visualize existence” (p. 6)—a history he traces back to French economist Francois Quesnay, who created an “economic picture” of society in 1758 that required people to visualize the economy—and this demand to visualize reaches a sharp relief with the case of colour. Pink, for instance, is currently employed to call forth the

‘visualization’ of a disease and all things related to it: the pink ribbon and pink *per se* is used to connote breast cancer, breast cancer awareness, the search for the cure, the community of women afflicted by breast cancer, the survivors, support for the cause, and so forth.

First, a few words on style. Addressing the public codification of colour requires selectivity as well as a certain degree of creativity. I have chosen ‘movements’ rooted in, revolving around or even stemming from a particular colour and frame ‘codification’ on a group level since color’s deliberate ‘constraint’ must be acknowledged (but not necessarily validated) by others. Codification in several of these cases is complex, because on the one hand, grassroots movements toward codification often bisect and are sanctioned by legal regimes; in other cases, the law works to enjoin these creative expressions. This analysis considers instances of both situations. Moreover, the selected colours often mingle with and are embraced *or even altered* by commercial interests, much to the delight or chagrin of the interest group(s) in question. Colour, in short, is liminal; colour in public space stands at the crossroads of colour codification, at various moments stepping in the direction of legal control or prohibition and then shifting towards commercial promotion. Color’s public, polysemic and liminal nature makes it slippery, and even the most concerted attempts at constraint witness colour’s ability to break free and mean something entirely different. Yet this liminality can be revealing: a liminal space can be defined as a sacred space where one is ‘stripped naked’, and here, in this space, we may give pause to consider what, precisely, colour’s ‘cosmetic’ conceals.

This will be achieved through a focus on ribbon campaigns, particularly the breast cancer ‘pink ribbon’ campaign.

### **Colour in public space: The literature**

Various scholars have addressed the use of colour in public space, and it is fitting to open this probe with a cursory tour of the literature that relates to *public* or grassroots expressions of colour ‘control’. John Gage’s remarkable tome on the history of art, *Colour in culture*, briefly discusses the “stabilizing strategy” inherent in the late-medieval “artificial colour language of heraldic blazon” (1993, p. 80)<sup>2</sup>, and perhaps a case can be made that the colours of heraldry—their creation and standardization—comprise a colour codification for the purposes of creating visible tokens of kinship. Appropriation of particular colours for clothing can also serve as powerful symbolic visual displays, not only by religious groups (Pastoureau, 2001, pp. 35-47, 108-13; Gage, 1999, pp. 53, 70; Gage, 1993, pp. 82-90) or those in mourning (Marshall, 2001), but also by rulers (Pastoureau, 2001, pp. 60-3; Gage, 1993, pp. 16-27; McCracken, 1985; Ball, 2001, pp. 225-6) and nobility (Gage, 1999, p. 30)—or for creating, as certain German Romantic painters did, particular gender ‘characteristics’ in the popular imagination (Kress & van Leeuwen, 2002, p. 353; Gage, 1999, pp. 188-190). Colours further can be appropriated by those who seek status by ‘mirroring’ particular hues of esteem—thus the rage for ‘imitation’ purple in Ancient Rome (Reinhold, 1970), the “vogue for blue” in heraldry

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<sup>2</sup> Also see Pastoureau (1986; 2001, pp. 55-60).

(Pastoureau, 2001, p. 60)<sup>3</sup> or the popular “mauve mania” sparked in the late 1850s Paris and London (Garfield, 2000; Ball, 2001, pp. 236-241).<sup>4</sup> Equally significant is the use of colour for political reasons and to challenge the dominant order: during 1774-1775 of the American Revolution, for example, the colonies appropriated the ‘enemy’ colours of the British flag for their own “anti-flag” (Pastoureau, 2001, pp. 147-8). Even more curious is the “people’s” use of colour during the French Revolution. Shortly after storming the Bastille, the revolutionaries adopted the tricolour cockade of blue, white and red to symbolize patriotism and loyalty to the new ideology<sup>5</sup>; the counterrevolutionaries, conversely, proved equally ardent in their application of white (p. 154). One contribution of the French Revolution, though, was “the birth of ‘political’ blue” (p. 157)—a colour first appropriated by the soldiers fighting for the Republic, then embraced by moderate republicans, and after that used by both liberals and conservatives (p. 157).

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<sup>3</sup> Pastoureau links this blue ‘vogue’ to “a remarkable ‘promotional agent’” (2001, p. 60), the king of France, who featured the colour on the kingdom’s coat of arms. Blue was so alluring that “[b]y the end of the Middle Ages, even in Germany and Italy, blue had become the color of kings, princes, nobles, and patricians...” (p. 63).

<sup>4</sup> According to Garfield, this craze had royal kindling: “Queen Victoria wore mauve to her daughter’s wedding; and Empress Eugenie, the single most influential woman in the world of fashion, decided that mauve was a colour that matched her eyes” (2001, p. 59).

<sup>5</sup> As Pastoureau (2001) explains, during the summer and fall of 1789, the *colours* “could be seen everywhere”—decorating flags, banners, scarves, belts, ties, badges and sashes (2001, pp. 141-51). The intense political meaning accorded to this revolutionary badge is witnessed by the legislative assembly’s first decree (on July 8, 1792) that all men must wear the tricolour cockade, followed by a second imperative (September 21, 1793) that applied to all women. “To be caught without a cockade meant, in the best case, eight days in prison, and whoever was caught tearing down a tricolour cockade was immediately handed over to the firing squad” pp. 149-50). Fortunately, this “tyrannical fixation” on the revolutionary colours was softened after Robespierre’s fall: the ensuing Directory only required people to wear the tricolours when going to the theatre (p. 150).

To properly frame colour's 'codification' in public space, it is necessary to acknowledge Kenneth E. Foote's (1983) paper, *Color in public spaces: Toward a communication-based theory of the urban built environment*. Foote's paper scrutinizes coloured architectonic facades in the physical city; and despite its primary focus on buildings (and then colours)<sup>6</sup>, it is notable to this analysis for foregrounding the fact that *colour in the cityscape is fundamentally a question of communication*. Like the present analysis, Foote predicates his study on "a broad conception of human communication" (1983, p. 25), one that recognizes colour as related to flows of information. Here (colour) communication can function as one means of linking together society, by the suggestion of a shared interest. Foote also insists on viewing communication as "a negotiated exchange of information, intention, and influence all closely controlled by the context within which these exchanges take place" (p. 26). Oftentimes, however, "[w]e do not always readily perceive the negotiations we participate in, nor do we always reflect upon the context which serves as the backdrop to negotiation" (pp. 26-7). This is important to bear in mind when considering the following probe into colour in public space, for there may be instances of 'codification' that have escaped our notice. It is not necessarily the case that *colour* has escaped our notice; overlooked, more likely, is the existence of a particular colour as representing the *reality of codification*. To wit: we may notice pink in our cityscape, or notice pink and think of breast cancer awareness, but may not reflect on this

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<sup>6</sup> As Foote explains:

The principal preoccupations of this monograph are the urban built environment—the landscape of brick, stone, wood, and mortar that comprise the physical city and stand as an important aspect of the human urban experience... my findings were intended primarily for an audience interested in the physical city, as opposed to one principally alert to color (1983, p. xi).



as a ‘codified pink’ or ponder how and why it has acquired this symbolism. Moreover, Foote’s emphasis on the transactional and contextual nature of communication provides an important counterpose to the types of colour codification illuminated in the previous chapters of this dissertation. Various expressions of codification have been discussed, but these legal, corporate and commercially embraced colors require a balancing out, a sense of the social action possible behind the colours ribboned throughout public space.

The question Foote poses is whether the urban landscape can “be viewed as an adjunct to, a prop for, or a mode of communication” (39). “Props” are objects or abstractions of physical objects that “can be understood in analogy to the props in a play” (p. 38n); and the “same object might serve as a quite different prop in different linkages” or contexts. Foote defines a linkage as “a system relating any number of communicating individuals to one another” (1983, p. 38).<sup>7</sup> In light of these criteria, pink, a “prop” that might symbolize Fiberglass insulation in one linkage can, in another context, indicate either a CAUS-standardized fashion hue or Parkay’s *Shocking Pink Fun Squeeze* margarine—or even breast cancer awareness. Depending on the space, pink becomes a “different prop”; it has manifold meanings even though it has been codified successfully in all instances.

And this claim of pink is bolstered by Foote’s exposition on the ‘prop’:

Props...are linkage specific. Only for the participants in the linkage of which the prop is a part does the prop have meaning. The prop in itself is meaningless. Props do not store information; their roles are transactional and are negotiated by linkage participants.

(Foote, 1983, p. 40)

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<sup>7</sup> Linkages comprise “representations of particular collections of people, means of signalling, objects, and environments that we recognize as playing a part in communicative behavior” (Foote, 1983, p. 38).

Given Foote's primary interest in colour props within the urban built environment, it is hardly surprising that he roots a prop's "chief virtue" in its staying power: "[o]nce props are created and deployed, special effort is required to remove them from the environment" (p. 109). This reinforces the communication process and allows the coloured building facades (i.e., the props in Foote's study) to communicate messages themselves. Yet transient or temporary props are equally powerful communicators, and there is no reason why we should equate prop "virtue" with durability. Permanent (coloured) props, in fact, may lose communicative power due to their tendency, through familiarity, to fade into the general landscape. But what about a massive display of pink ribbons—one that bursts onto a scene, alters it, and soon after disappears. This is equally 'communicative' and stuffed with virtue.

In fairness to Foote, his interest is in architectonic facades and not coloured ribbons; he strives to reveal how different organizations use colours in building facades to "express their identity and values" (p. 44) and asks *if* these colours engage clients/patrons (i.e., do the coloured facades "determine whether the individual will come inside or remain in public space on the street" {p. 44}). Clearly, Foote's specific investigative results are not germane to this study, although it heeds several of Foote's theoretical premises. But in the final analysis, Foote's eventual confirmation "that color is more than a merely incidental adjunct to social action" (p. 105) allows us to proceed confidently in our analysis of grassroots or public colour codification.

**Tie a yellow ribbon 'round the ole oak tree: (Re)Viewing 'ribbon campaigns' as public colour codification**

Ribbon campaigns provide an excellent source for investigating public colour codification. The vibrant strips of fabric—or little swatches of colour *per se*—convey meaning without requiring an ‘explanatory text’. This is the intent, at least, although the proliferation of ‘symbolic’ ribbons can sometimes cause a degree of colourful confusion—a point playfully acknowledged by *Newsweek’s* article “Read my lapel”, which both noted and explained the myriad ribbons worn by the stars at the 1993 Oscar Award Ceremony. “Suddenly, every cause seems to have a ribbon,” the article quips, before providing readers with a handy ‘decoding’ guide:

Red: AIDS  
 Purple: The fight against urban violence  
 Pink: Breast-cancer research  
 Green: Save the rain forest  
 Blue: Child-abuse awareness  
 (Cerio & Rogers, 1993, p. 8)

Yet these are only some of the causes suggested by colours, and to the list should be added yellow as a sign for ‘homecoming’ or ‘supporting the troops’, white as a symbol of “men working to end men’s violence against women” (Waddell, 2002, p. 5) and purple as a mark of “Supporting the Victims of the World Trade Center and Pentagon Attacks”. Oftentimes, identical colours have different “causes”: Red ribbons symbolize AIDS Awareness, but also the pervasive and high-profile Mothers Against Drunk Driving Campaign. More red ribbons colour the National Federation of Parents for Drug Free Youth, which distributes the ‘red’ throughout Albuquerque, New Mexico to promote public awareness of drug and alcohol abuse. Green ribbons, generally earmarked for

environmental activism, equally feature in Canada's Green Ribbon of Hope Campaign—a movement started in 1992 (after the disappearance of Kristen French) by the students of Holy Cross Secondary School in St. Catharines, Ontario.<sup>8</sup> Or consider purple, whose ribbons flutter in Ontario as the decade-old mark distributed by Children's Aid Societies to raise awareness of child abuse and neglect (Brubacher, 2002, p. A9). Further east, in Nova Scotia, the Women's Action Coalition uses the same colour to commemorate its 13-year old memorial of the Montreal massacre of 14 female university students (Fraser, 2002, p. A14) and to signal the need for a public stand against men victimizing females. St. John, New Brunswick has also raised the purple in its grassroots, four-year old ribbon campaign to raise awareness of violence against women (Chiarelli, 2002, p. A5).

Purple ribbons support five different causes against violence or victimization; red ribbons support AIDS awareness, anti-drug campaigns and the call for sobriety behind the wheel. Purple or red thus serves as a prop with different nuances, depending on the context and the participants involved. Yet a colour is not always so divided among causes, and certain ribbon campaigns have been embraced *en masse* to dominate the public scene. During the Gulf War, for example, the United States experienced a mighty "yellow ribboning":

yellow ribbons appeared by the thousands across the United States: around mailboxes and in town squares, on traffic signs, church doors, police cars, and pinned to people's clothing as boutonnieres. People incorporated them into folk art environments at gas stations and on front lawns, and they used yellow ribbons to decorate entrances to schools, businesses, and places of worship. 'Yellow ribbons were sprouting in my neighborhood like daffodils in spring,' commented one author about their sudden popularity...

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<sup>8</sup> The Green Ribbon Campaign, as well as the green symbol, has since been trademarked by Child Find Canada Inc (TMA451100).

In Caroline, New York, Barbara Kone and a friend tied yellow ribbons around tree trunks in front of one hundred fifty houses in their neighbourhood.

(Pershing & Yocom, 1996, p. 41)

Folklorist Jack Santino recalls seeing cars “both in Boston and in Bowling Green, with large yellow ribbons attached to their front grills, in the same location where people sometimes place evergreen wreaths during the Christmas season” (1992, p. 27)—a gesture that he drapes with extra significance. Notable about this pervasive colour, however, is its tenacious polyvalence, even when widely employed in reference to the war in Iraq. Santino (1992) explains that the public display of yellow ribbons, which stemmed from earlier folk traditions and songs (and also enjoyed a “national flowering” during the 1979 Iranian crisis) re-appeared in 1990 with Iraq’s invasion of Kuwait. In 1990, the ribbons initially provided a sign of hope for the American hostages held by Iraqi forces. After the hostages were released, the ribbons remained in public view *and even increased in number*, shifting meaning to refer to the American troops involved in the war. “The display of yellow ribbons meant, minimally, the concern for human beings” (Santino, 1992, p. 27) and more generally, “support for the troops”—a rather ambiguous sign that allowed virtually everyone to participate in the “yellow ribboning of America” regardless of their moral or political stance on America’s involvement in the war. Sometimes this ‘participation’ meant using yellow ribbons to convey patriotism and support for government policy in the Gulf (pp. 26-7); although other people used yellow to convey the neutral, apolitical message of “support-the-troops-not-the-war” (Pershing & Yocom, 1996). Certain analyses of the phenomena note that “government and military leaders eagerly manipulated the ribbon’s supposedly neutral connotations for their own purposes”, filling airports, Air Force bases and parade routes with yellow ribbons, and

essentially co-opting the yellow to make it the symbol of bringing the ‘victorious’ American troops home safely—a strategy that allowed those in power to avoid public debate of the more “difficult questions” concerning the Iraqi war, “such as the effort to reestablish a permanent U.S. military presence in the Gulf area” (Pershing & Yocom, 1996). Within the context of ‘referencing’ the Gulf War, yellow ribbons took on myriad connotations, sometimes racially or gender-linked, sometimes directly political, sometimes neutral and sometimes vehemently anti-war. It is not my goal to probe the specifics of how this yellow was (re-)constructed to mean so many things, as this has been skillfully addressed elsewhere<sup>9</sup>; it is enough to reveal a sense of how a single colour can realize widespread public use, both decorating and transforming public space. Even the ‘challenges’ to the ribbon’s meaning were constrained within a larger understanding of the Gulf War, so that the yellow ribbons gave *all* parties the opportunity for active participation while creating the public, and ultra visible, illusion of solidarity. This ‘participation’ promised by yellow resurfaced with the recent (and controversial) American-led ‘War in Iraq’: London’s *News of the World* launched a national yellow ribbon campaign on April 5, 2003 to show support for British military personnel in Iraq (Ings-Chambers, 2003, p. 10); and the United States spearheaded a similar movement as part of a ‘Support our Troops’ initiative (Walch, 2003, np).

### **The case of pink: Exploring the ‘universal symbol’...**

On September 30, 2002, Mrs. Evelyn H. Lauder, Senior Corporate Vice President of the Estée Lauder Companies, proudly flipped switches at The John A. Wilson District

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<sup>9</sup> See Santino (1992); Pershing & Yocom (1996).

Building and the National Museum of Women in the Arts in Washington, D.C., illuminating both buildings in pink light. The following day, New York City's Empire State building was bathed in pink—and throughout the month of October, pink shone upon hundreds of other monuments worldwide: Ontario's Niagara Falls, the Leaning Tower of Pisa, Austria's Esterhazy Castle and Vienna City Hall, the Tokyo Tower, Auckland's Sky Tower and Jerusalem's Tower of David, Capetown's Table Mountain, Munich's Angel of Peace, Rome's Arco de Constantino, Harrod's of London, Elvis Presley's Graceland Mansion, Moscow's GUM department store, and many more. This was all part of the spectacular "Global Landmarks Illumination Initiative", an annual project geared to focus public attention on the urgent need for breast cancer awareness and research. "This is the third year that The Estée Lauder Companies has raised Breast Cancer Awareness around the world by simultaneously uniting instantly recognizable landmarks in a blaze of pink light," said Mrs. Lauder (BCRF, 2002).

Emblazing the world in light is not new, of course. Virilio speaks about illuminating Paris with lanterns in the late 1600s and notes the "spectacle" of 18<sup>th</sup> century electric street lighting (Virilio, 1994, pp. 9-12), and David Nye reveals the emergence of the "electric sublime" in America from 1880 to 1940—a "sublime" in which people's first contact with electric light occurred in public space (Nye, 1991). Electrifying a place to draw in people was the rationale behind lighting up America's streets and store windows, theatres, restaurants and World Fairs, an illumination building in intensity from the 1880s until American cities could lay claim, in 1900, to being "the most intensively lighted in the world" (Nye, 1998, p. 166). Yet with the Global Landmarks Illumination Initiative,

there is a presumption behind the light, one predicated on “drawing in people” on a completely different level. Inherent in this global and public “blaze” of pink is the sense that pink alone, whether tinting ribbons or beamed upon major landmarks, is the universal symbol of breast cancer awareness. And what a symbol pink is! Not merely the hue of a national movement like the yellow ribbon campaign, but purportedly a global one—one where pink transcends the ribbon to communicate in its most disembodied and spectral state; an ethereal pink light bathing public spaces with a message that bears repeating: *pink raises breast cancer awareness around the world* (BCRF, 2002).

How is it that pink achieved such clearly-codified meaning and prominence in public space? And is it really a *public* expression? Despite the grand, corporately-backed Global Landmarks Illumination Initiative, the pink/breast cancer link enjoys strong grassroots and individual support. Nancy Brinker, who established the Susan G. Komen Breast Cancer Foundation and the Race for the Cure in memory of her sister, started awarding bright pink visors to breast cancer survivors running the Race in 1990; in 1991, all participants in the New York Race for the Cure received a pink ribbon. Merely a year later, that same ribbon received a huge promotional boost when *Self* magazine teamed up with Estée Lauder to create a massive pink ribbon campaign: Estée Lauder cosmetic counters handed out 1.5 million ribbons in 1992, and since then, various organizations have distributed over 115 million pink ribbons (Danziger, 2002, p. 30). Both organizations that originally ‘pushed’ the pink are currently huge foundations: the Susan G. Komen Foundation has raised \$450 million for research and awareness programs (p. 30); and Estée Lauder’s Breast Cancer Research Foundation awarded \$11.7 million in



research grants in 2002 alone (Lauder, 2002). This does not detract from the colour's widespread *public* embrace, however. Participants—and not only breast cancer survivors—of various runs, walks and hikes “for the cure” often show their support by sporting pink clothing, ribbons or hair. To wit, Canada's Run for the Cure was described by a local race director as “a sea of pink”, which is likely why the notion of creating a “Think Pink Week” seems quite natural.<sup>10</sup> The U.S. is also host to “Pink Sunday”, a grassroots effort in which local churches in concert with an affiliate of the Komen Foundation speak to their congregations about breast cancer.

“Thinking Pink”, students at Dalhousie University have a four-year-old tradition of shaving their heads and dyeing their hair pink as the crowning point of their annual fundraising campaign. Students at EDJ Middle School in Phoenix are less radical, merely spraying their hair on “Pink Hair Day”—a fundraising idea that has gone national (Rauch-Webb, 2002). And Samuel Augustin, a West Island hairdresser, simply coifs hair for cancer, asking clients to give their ‘tips’ to Victoria's Cedars Breast Cancer Clinic. “I tell them to donate whatever they want and then we write the person's name on a pink ribbon and tie it on a [Christmas] tree,” Augustin explains. “We've raised more than \$1,000 so far” (Sutherland, 2002, p. A6).

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<sup>10</sup> Think Pink Week, now celebrated Canada-wide, has been attributed to a Canadian Airlines employee from Edmonton. He felt that asking people to dress in pink, or wear pink nail polish or decorate bake-sale cookies in pink for an entire week could help raise awareness of the cause (Decker, 2002, p. 50). The attribution might be questioned, however, as the U.S.-based Susan G. Koman Evansville chapter asks people to “display ribbons outside their office buildings and homes” as part of Think Pink Week (September 15-22) (See <http://www.evansvillracefortheure.com/other.html>).

Especially noteworthy is that pink has been embraced by those personally touched by breast cancer. Many wear the pink as a badge of their struggle or triumph over the disease. Breast cancer survivor Dr. Margo Husby Sheelar regards pink as a symbol of community, a hue that other survivors—and those who care about them—can rally around (Sheelar, personal communication, January 17, 2003), and myriad examples bear this out. There are the Cincinnati-based Pink Ribbon Girls, a “sisterhood” group for mothers stricken with breast cancer (Vela, 2002), and one that operates according to a type of grassroots ‘viral’ marketing. Spearheaded by three young survivors, the Girls meet monthly for support and friendship, striving to bring another survivor to each meeting. “Floating support groups” also exist, such as the dragon boat racing teams cropping up across Canada—in Toronto, Ottawa, Montreal, Saskatoon, Calgary, Winnipeg, Halifax, Guelph, Coburg, Peterborough and Hamilton. Team members wear pink, mostly, to indicate their battles with breast cancer and race vessels with such parodic names as “Knot A Breast” or “Abreast In A Boat” (Knot A Breast, 2000, p. 33). Of course, these types of support groups ‘float’ right into the States, where dragon boat teams such as the Pink Phoenix signal their ‘survivor’ status by donning pink lifejackets and using hot pink paddles (Pink Phoenix, 2003).

Support for the pink also emerges in the Pink Page Ladies, a web site created to connect breast cancer survivors and to provide a venue where they can share their stories and struggles. Here, as with the Global Landmarks Illumination Initiative, we can witness ethereal (and, in this case, virtual) applications of this codified pink. This plays out in

references to such things as the Pink Bus—the magical creation of one of the survivors, but ‘boarded’ by many. Ann, a breast cancer victim from Perth, Australia, explains the bus to a fellow Pink Page Lady as follows:

A few or couple of years ago, when someone (I cant (*sic*) remember now whom), was very down, this ficticious (*sic*) magical pink bus happened. So, when the pink bus went on a journey to comfort someone, (I was the second person to get it I believe - when diagnosed with liver mets, and I lost it), we all posted in with what we would take to comfort that person. Some would take their special music, some poetry, gentle hugs, sunshine, mountain air, special food, wines, humour, you name it). Debra The Bassplayer was a driver once, and others have shared the 'driving'.

I would post when the pink bus was being called out of it's (*sic*) garage, that I was coming up from Oz, on a super pink harley, and picking up the other downunderers on the way.

It's something we kinda get carried away with, but in the nicest possible way, and it's just amazing the support of a magical and caring way comes on the "Pink Bus".

Ann -- January 11, 2003

Countless other examples exist; but perhaps it is best to conclude this section with the comments of breast cancer survivor Sandy Finestone who, in keeping with the groups and teams and members just mentioned, proudly dons pink as a badge of community:

I co-chaired the Orange County Race for the Cure in 1996 and stand shoulder to shoulder every year with the other survivors in our pink caps and pink ribbons, as a beacon of hope to those women who were coming after us and who will stand with us the next year.

(Finestone, 2003)

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Symbolically, the pink makes sense. Pink has a connection to femininity; its prominence as a particularly ‘female’ colour gained a stronghold in the 1950’s post-war era (aided, in

part, by Mamie Eisenhower's passion for pink), and flourished right into the 1970s as media (and marketers) used the colour as a pithy means of expressing ideas about women and womanhood (Peril, 2002).<sup>11</sup> And this shorthand for femininity still stands. "Pink is the quintessential female color," explains Margaret Walch, director of the Color Association of the United States. "The profile on pink is playful, life-affirming. We have studies as to its calming effect, its quieting effect, its lessening of stress. [Pastel pink] is a shade known to be health-giving; that's why we have expressions like 'in the pink.' You can't say a bad thing about it" (Fernandez, 2002). Pink, in short, is cancer inverted—life, health, play, joy. And its widespread codification in tandem with breast cancer can be interpreted as part of an activist movement: it's not an oppositional, angry or confrontational activism; it's a consensus movement, one "that lacks a countermovement and enjoys public, institutional, and financial support" (Myhre, 2001). Within this consensus movement, breast cancer activists have employed mostly peaceful strategies (i.e., educational drives, social awareness campaigns) to bring about social and political change. They have gained widespread public support for breast cancer issues, increased breast cancer research funding, directed breast cancer policy, and influenced the scientific research into the disease (Myhre, 2001). The "lack of countermovement" is quite natural, for it proves difficult to be *against* breast cancer awareness. The activists' *cause* (i.e., awareness, support) proves infinitely more innocuous than the disease itself.

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<sup>11</sup> Lynn Peril's (2002) *Pink think: Becoming a woman in many uneasy lessons*, observes the American 'pinkmania' of the 1940s to 1970s, and uses the colour as a metaphor for broader notions of female codes of conduct. "Pink think", to Peril, embodies "a set of ideas and attitudes about what constitutes proper female behaviour; a group think that was consciously or not adhered to by advice writers, manufacturers of toys and other consumer products, experts in many walks of life, and the public at large..." (p. 7).

But the story does not end here. We cannot simply take the public breast cancer movement and tie it up with a proverbial pink bow—for, contrary to the claims of Margaret Walch, you *can* say bad things about pink. And speaking in loud, anti-pink tones are vehement opponents who disapprove, *not* of breast cancer awareness, support or research, but of the *pink* ribboning throughout it.

### **Think before you pink: Challenges to the colour code**

Ironically, the most fervent denouncers of this pink codification are survivors and militant activists themselves. Their disgust with “illuminating” the world in pink stems, firstly, from the degree to which large corporations have “commodified” the pink, exploiting its codification to gain goodwill. Corporate bolstering of the “pink awareness” has certainly done much to secure its codification—and has illuminated the Global Landscapes in more ways than one. American Express uses the pink ribbon to promote its Charge for the Cure program, which donated 1 cent to the Susan G. Komen Breast Cancer Foundation for every transaction made from October 1 through 31, 2002. During the same timeframe, Loews Cineplex Entertainment’s “Spotlight on the Cure” feature donated 25 cents for each moviegoer (up to US \$40,000) to the Komen Foundation. KitchenAid gave U.S. \$50 of each limited-edition pink stand mixer sold, and the Eureka Company spearheaded its “Clean for the Cure”, promising one dollar from the sale of each pink-ribboned LiteSpeed vacuum (up to U.S. \$250,000) to the Komen Foundation. Ralph Lauren gifted all profits generated from sales of its Pink Pony T-shirts and cashmere hooded sweatshirts. Indeed, these cause-related marketing campaigns abound: cosmetic giant Avon markets a whole Pink Ribbon product line, which includes such

saviours as “Kiss Goodbye to Breast Cancer lipsticks” in six pink-encased “crusade shades”. Sun Soy sells soymilk in cartons with pink caps. Tweezerman markets pink “pink-ribbon” tweezers. New Balance offers “Lace Up for the Cure” cross trainers sporting tiny embroidered pink ribbons. Yoplait prods us to “Save Lids to Save Lives”, setting aside 10 cents (up to \$750,000) for every pink yogurt lid mailed in during a three-month span. And eBay’s online marketplace urged shoppers to “bid pink”, to vie for a range of pink-themed luxury products from October 21 to 31, 2002. One hundred percent of this “pink power” auction’s proceeds benefited breast cancer charities.

For some people, the problem with all this charging, cleaning, mixing, preening, tweezing, running, eating, bidding—and ultimately shopping—for the cure is that certain corporations are getting rich off of it while diverting only nominal monies to the pink cause. In the grand scheme of things, donating *one cent* per transaction (as per American Express’ Charge for the Cure) is not a lot of money. Avon’s Pink Ribbon products—those flagged to benefit breast cancer research—were so successful that they replaced regular product sales, so the company actually changed its policy to better serve the bottom line (Anthony, 2002, p. E2). Only 20% of the price of every “Kiss Goodbye to Breast Cancer” lipstick now goes towards the cause (p. E2). Should you “Yoplait”-for-the-cure instead, it would take four months of eating three containers of yogurt per day to raise a paltry \$36 for breast cancer research.

In light of this, advocacy groups such as the San Francisco-based Breast Cancer Action (BCA) group have launched awareness projects of their own. BCA’s Think Before You

Pink campaign exhorts people to ask critical questions of the companies pinked in pink: “How much money goes to the cause? What is it supporting? How is it being raised? And will it truly affect the fight against breast cancer?” (BCA, 2002). It challenged Avon’s 3-day Walks for directing merely 66 cents of each dollar raised (in contributions and pledges) toward breast cancer programs and for funnelling the rest into advertising, event expenses, and overhead (BCA, 2001).<sup>12</sup> BCA’s provocative *New York Times* advertisement (published October 16, 2002) queried the Eureka vacuum campaign with “Who’s really cleaning up here?”, since under one percent of the vacuum’s purchase price benefits a breast cancer organization. And BCA supporters such as Ellen Leopold, author of *A darker ribbon: Breast cancer, women and their doctors in the twentieth century* (1999), question the Komen Foundation for obscuring how its fundraising monies/expenses are distributed (Leopold, 2000, p. 15). BCA’s list of pink-ribbon ‘crimes’ is lengthy, and the grassroots advocacy group uses the derogative term “pinkwashing” to critique corporations that conjure up fuzzy pink campaigns which, at their core, have more to do with the colour green.

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<sup>12</sup> BCA’s criticism was met with sharply tempered success. In June 2002, Avon announced that it would no longer sponsor its thriving and widely supported 3-day walks. The activists challenging Avon’s fund allocation were disappointed with the decision, saying the cosmetics behemoth was “throwing the baby out with the bathwater” (Spector, 2002). Avon subsequently had a change of heart, for it is sponsoring walks for 2003. However, Avon will not guarantee the total proceeds going toward breast cancer research, and its website makes the following nebulous claim: “The Better Business Bureau’s ‘Wise Giving Guide’ recommends a minimum 50% return for this type of fundraising event, but we will strive to exceed that guideline by as much as possible.”

Notable about BCA is that the group is comprised of those touched by breast cancer—just like many who foster the pink “code”. Six of the 10 members currently on the Board of Directors have/had breast cancer, as does the Executive Director, Barbara Brenner. Not surprisingly, the 13-year old group was also spearheaded by a breast cancer victim, who was joined by others similarly frustrated with the scanty and often narrow information about cancer’s causes and treatments provided by government agencies and other organizations. With over 5,000 supporters, BCA loudly challenges researchers, government and organizations to effect *real* change in the battle against breast cancer.

With this call, pink is implicated a second time, for acting as a rosy red herring that softly suggests that ‘awareness’ is enough. Bathing our landscapes in pink is lovely, but doesn’t demand change: pink doesn’t force corporations to account for the realities of a toxic environment that causes cancer; pink doesn’t challenge medical procedures that disfigure women while keeping open the possibility of recurrence or halt the ‘treatments’ that cause substantial illness and pain; pink doesn’t question government policies or pharmaceutical companies that push questionable (if not dangerous) drugs; and pink doesn’t demand fundamental changes in the health care system. Given this, Katie Silberman from the Center for Environmental Health in Oakland, California, decries the “insidious” roadblocks generated from *within* the breast cancer community as a result of hundreds of thousands of women succumbing to another destructive malady—“pink ribbon-itis”—which prompts them to “race for the cure” instead of the cause (Silberman, 2002). So while the (earlier discussed) consensus movement thrives, certain activists



argue that these pink-coloured glasses utterly emasculate the movement. Perhaps this frailty lies in the pink itself, the hue that the Pantone Institute “profiles” as little more than a pretty wallflower:

It [pink] is associated with romance, sweetness, delicacy, refinement and tenderness. Pink people are interested in the world around them, but *they do not throw themselves into participating with the ardour of the red person.*

(Pantone, 2001)

According to this description, pink people would be the ones satisfied with raising breast cancer *awareness* in lieu of seeking its cause. “Pink people” must be the ones partial to “pink ribbon-itis”, the epidemic which codifies a colour only to transform it into a cosmetic that softens the very harsh realities of a disease. “A mammogram leads to a cult of pink kitsch,” realized Barbara Ehrenreich upon being diagnosed with breast cancer (2001, p. 43), and the resulting perpetual pink ambush drives the award winning journalist and social critic into a justifiable rancor: “Let me be hacked to death by a madman, is my silent supplication—anything but suffocation by the pink sticky sentiment embodied in that [breast cancer teddy] bear...” (p. 44). In her 2001 *Harper’s* article titled “Welcome to Cancerland”, Ehrenreich rails against the teddy bears and pink ribbon brooches, the pink trinkets and accessories (made by both survivors and corporations) intended to comfort the sufferer and signal her spot in the breast cancer sisterhood. Ehrenreich rejects the infantilizing and cheerful “prevailing pinkness” (p. 52) of society’s response, the message that suggests ribbons and cuddly teddies are the means of dealing with this devastating disease: “certainly men diagnosed with prostate cancer do not receive gifts of Matchbox cars,” she remarks (pp. 46-7). Something other than the pink got Ehrenreich through her ‘treatments’, something far less pastel:

What sustained me... is a purifying rage, a resolve framed in the sleepless nights of chemotherapy, to see the last polluter, along with, say, the last smug health insurance operative, strangled with the last pink ribbon.

(Ehrenreich, 2001, p. 53)

As BCA affirms in its white-on-black button: Cancer Sucks.

Collectively, this widespread recognition of pink to signal breast cancer issues raises some interesting points on the particular nature of successfully codifying colour *per se*. First, we must return to the most ethereal of the ‘code’—the Global Landmarks Illumination Initiative, in which pink light becomes a spectral mass language and form of disembodied communication. Scholarly research on the history of electrification in America has shown that lighted landscapes or the electrification of the city had much to do with money and the marketplace: the lighting of street ways and store windows was publicly experienced, but driven by private, commercial interests (Nye, 1998a). Estée Lauder’s pink “illumination initiative” equally meshes commerce, light and landscape, although the illumination is presented as a public service—a ‘light’ to raise breast cancer awareness. Within this public service, pink is paramount. Lighting the Leaning Tower of Pisa or Empire State Building in white light would not convey the same message, although those *contesting* the pink might reasonably ask “Why the Leaning Tower? Why these global landmarks?” As with all electrical illumination, the pink light edits the landscape by dramatizing portions of it, telling people what is (or isn’t) significant. But there is nothing particularly “breast cancer-ish” about Graceland or Niagara Falls; in fact, more of a disjunctive correlation arises in beaming the pink light of “breast cancer awareness” upon the home of Elvis or one of the natural wonders of the world. If the goal

is to raise breast cancer *awareness*, shouldn't the hospitals and cancer treatment centers receive pink light treatment? Or, in a move Ehrenreich and BCA might endorse, why not light up 'polluting' and pharmaceutical companies in pink—thus drawing attention (and indeed awareness!) to possible *sources* of breast cancer.

A second key point about breast cancer's 'pink' stems from the contested nature of the concept, a challenge that prods us to revisit Walch's claim that "you can't say anything bad" about pink. Indeed, you can. Pink *per se* really isn't the problem, although the sentimentality and bright-siding that pink both represents and inspires raises considerable ire in those who feel that militant activism—not pink-ribboned sentimentality—holds the 'cure' for breast cancer.<sup>13</sup> Walch's advertence to the "health giving" expression "in the pink" is equally provocative. The Dictionary of Phrase and Fable traces a variant of this verbalism back to Shakespeare, who pens "the very pink of courtesy" in *Romeo and Juliet* (II, iv); here, pink means "embodiment" or "perfection", and thus logically connects with being at the "top point" or "apex" of health (Brewer, 1998). Note that neither of these usages pertain to colour—they both stem from the old English *pynca* meaning "point", which is where the notion of "pinking" emerges, as well as pink's definition of being "pierced" or "stabbed". Connecting breast cancer's pink with "in the pink", then, is at very best, a denial; at worst, a joke. Breast cancer literally *pierces through* one's health—and many women's journey to mastectomy begins with the tiny stab incision of a needle core biopsy.

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<sup>13</sup> Obviously, this is a difficulty with the *general* cultural practice of ribbon wearing or employing a colour to signal a particular political stance. This practice has been criticized for being an empty political gesture, an 'action' of surfaces, and one that ultimately requires no real commitment.

The irony of this pink, both coveted and despised, is that the virtue seen and grasped by pink's promoters is the weakness flagged by its detractors. Community, sisterhood and awareness via pink, pink's sentimentality, cheeriness and call for graceful acceptance—all of these 'virtues' are contested, not merely by feminists who unveil that these pink 'feminine' connotations are disempowering, but also by certain counter publics who assert that militancy, intense questioning and even anger must drive the struggle against breast cancer. Recall Foote's insistence on the powerful role of props in the communication process and his conclusion that "colour is more than a merely incidental adjunct to social action." Women protesting the pink do so because the hue conspires in diluting the "red" of activism—the heroic action, militancy, passion and anger—into a rosy sentimentality of teddy bears, lighted landscapes and t-shirts. Pink is red drained of power. And breast cancer patients who fully embrace pink actually *invert* Foote's conclusion, so that the comforting pink of awareness and sisterhood makes "social action... merely incidental." In challenging this, more militant advocacy groups like BCA strive to ensure that pink remains a *prop* and not a crutch.

Contestation of this pink results in a situation unique to codifying colour *per se*. Scholars such as Rosemary Coombe (1998) have illustrated how different forms of codification, such those sanctioned by intellectual property laws, can actually provide a space for politicization and community formation. Widely recognized trademarks, for instance, can be appropriated, altered and reworked by grassroots or marginal groups to serve entirely different agendas—"to create other meanings, alternative identities, and new forums for

recognition” (1998, p.134). With pink *per se* and the pink ribbon campaign, however, there isn’t the same ‘space’ to rewrite the text. How do you ‘bend’ pink or turn it upside down? How do you recreate its meaning? You could literally invert the form, as BCA Ottawa has done, with a pink ribbon symbol that stands on its head to represent “the tears shed when we or our loved ones are diagnosed”<sup>14</sup>—although this very subtle twist does not address the ‘unribboned’ pink flooding through public space. The only real alternative is to block the pink outright, as BCA’s *Think Before You Pink* campaign urges us to do. Contesting the pink in this way is not merely a political act or challenge to commercialism, it also illustrates the push-pull of this type of colour use, which jostles between the *push* toward pink’s promotion by individuals/grassroots groups, as well as its appropriation by commercial players, and the *pull* demonstrated by pink’s detractors, who are equally grassroots.

Worth remarking, too, is that our legal regimes work to sanction and endorse this particular and public use of pink. In the United States wordmarks such as Pink Ribbon™, Pink Ribbons Crusade™, Pink Ribbons Project™, Rink Ribbon Regatta™, Pink Ribbon Golf Tournament™ and Pink Ribbons Project Dancers in Motion Against Breast Cancer™ are registered trademarks, and all of these words referencing pink pertain to charitable services and projects intended to benefit breast cancer research and awareness. The pink ribbon *itself* is in the public domain, and if you e-mail the Komen Foundation, they will send you a “virtual” pink ribbon that you can use to decorate your web site, e-mails, personal stories and so forth. In Canada, the pink ribbon *design* has been

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<sup>14</sup> See Ottawa’s Breast Cancer Action website at <http://www.bcaott.ca/buy.html>.

designated as an official mark under section 9 of the Trade-marks Act.<sup>15</sup> Non-profit organizations such as the national Canadian Breast Cancer Foundation (CBCF) and The Cure Foundation were both granted the pink ribbon (with pink as a feature of the official mark) in 2001 to promote breast cancer awareness and support education, research, diagnosis and treatment initiatives. However, the control over this ribbon plays out on a commercial front—corporations pay the CBCF \$25,000 to use the image nationally for a year, but the Foundation allows individuals to use the pink ribbon for non-commercial purposes.

Pink ribbon words and designs aside, the “pink” circulates freely throughout public space. We have witnessed it being grasped by individuals and groups who employ it to create a community of survivors, strugglers and supporters, have seen it embraced—and sometimes exploited—by interests who recognize the power of the cause behind it, and have watched pink’s ‘subversion’ by those who regard the colour as a deceptive and dangerous cosmetic. In the context of breast cancer, the pink ‘prop’ has a prodigious but relatively stable function; pink *per se* has become part of our symbolic ‘commons’, and one nearly impossible to bend due to its unconstrained, yet utterly codified, status.

Throughout it all, pink has been culled, controlled and contested in public space and thereby fulfills the role of communication articulated by Peters in the beginning of this chapter; namely, the task of building worlds together.

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<sup>15</sup> Official Marks are only available to “Public Authorities”—and while the government does not directly define this status, eligibility requires the entity to be non-profit, to benefit the public, and to have some degree of government financial support. Of course, demonstrating government financial support can be as straightforward gaining charitable status.

## Chapter 6

### Communication and colour codification: Rethinking the field

What is the relationship between colour codification and communication, and what can we say about understanding colour *as* communication? This analysis adheres to Charles Riley's premise in *Colour codes* (1995) that colour cannot be adequately theorized, and our probe into various legal, commercial and sociocultural attempts at colour codification reveals that it is a multitudinal and complex process. Colour codification within one arena does not necessarily extend into the next, and therefore it proves senseless to strive to create a strict theoretical code to explain colour's social meanings. In fact, Riley affirms that this very task has stymied Western thought's leading intellectuals—that the crucial lesson learned by “many of history's greatest minds in philosophy, the arts, and the social sciences...is that no system or code can ever sufficiently account for its [colour's] effects” (1995, p. ix). Art historian Michel Pastoureau concurs, deeming that the “complex cultural construct” of colour “resists generalization and, indeed, analysis itself” (2001, p. 7) while John Gage observes the “absurdities of theory” circulating around colour's visual form (1993, p. 7).

But what about the *communication* of colour codification—for this analysis pivots on issues of communication and on colour's implications for communication studies *writ large*. Perhaps colour cannot be adequately theorized, but its communicative powers can certainly be observed, and its codification, analysed and critiqued. At the outset, this project has sidestepped the ‘obvious’ theoretical tool of semiotics to explain colour's communicative powers because a vast array of meanings can be assigned to a particular

hue. Semiotics simply cannot adequately account for the many uses of blue or pink or red within a single system of colour symbolism. Colour's myriad meanings "are too diverse to be explained by a single principle" (Foote, 1983, p. 15), and some scholars warn that "if carried to an extreme" a semiotic model will "lead to a catalog theory of the meaning of objects, as though we could look up any object in a dictionary where its possible meanings would be listed along with their 'etymology' and examples of their use" (p. 119). Cataloguing would be difficult in the case of colour *per se*—since pink, for instance, means Fiberglas Insulation in one context and Fun Squeeze margarine in another, even as it is affirmed to globally signal breast cancer awareness. The Color Association of the United States (CAUS), moreover, has roughly four inches of index cards devoted solely to 'specific' names and hues of pink—over 160 named 'pinks' that tinted the fashion circuits for specific seasons from 1915 onwards.

Crucial to colour's 'codification', then, is context—but this, too, is complicated since colour in the *same* context can also mean different things. Saussure's semiology, in which the signifier/signified dyad prove inseparable, is clearly at odds with colour's complex 'code' since the 'signifier' of blue could mean anything from Pepsi and Yale to 'safety' blue or 'waltz' (a fashion colour). Even the United States government has integrated blue into a colour code with its Homeland Security Advisory System, which employs colour codes to disseminate information regarding the risk of terrorist acts to the American people. Blue connotes a "General Risk of Terrorist Attacks" and alerts the public to remain 'guarded' against a nebulous "threat condition." In light of all these blue significations, Saussure's arbitrary nature of the bond between signifier and signified is



thrown into high relief: with colour, the bond is simply *too* arbitrary—and the signified, particularly in attempts at colour codification—is trammelled by mediation.

C.S. Pierce used the “thought of red” to explain his concept of “firstness”—a possibility, a general feeling or something that exists “positively and without reference to anything else” (Pierce, 1977, p. 328). Yet this “redness” as Pierce defines it proves equally inappropriate for addressing a colour communication in which the *point* of the code is to make a hue refer distinctly to something else. Umberto Eco’s (1985) article “How culture conditions the colours we see” also admits a certain hollowness to a semiotic approach to colour: Eco laments his inability to clearly explain the cultural puzzle of particular “chromatic effects” because of the utter lack of common codes of colour meaning within a given culture.

Semioticians are not the only scholars interested in colour, and various academics frequently referenced by the communication field have things to say about colour communication. On this topic we shall linger—without bracketing off semiotics entirely—to trace a section of the philosophical path Riley classifies as “the rhapsodic tradition” (which is followed by Adorno, Barthes and Derrida) and to draw in the colour thoughts of other communication scholars along the way. Becoming familiar with the “lyric and occasionally mystical course” (Riley, 1995, p. 25) and “extravagant rhetoric” (p. 46) of the rhapsodic tradition, as well as with other colourful communication perspectives, will provide a jumping off point for rethinking colour *within*

communication studies, and for understanding the particular functioning of colour codification as well.

### **The poet of black**

Riley labels Theodor W. Adorno “the poet of black” (1995, p. 51) since this colour best symbolizes Adorno’s “dark genius” and forms a key note in his work. Colour, and not just black, roves throughout Adorno’s writings, from the focal chapter titled “Color” within *In search of Wagner* (p. 51) to his disdain, in *Minima moralia*, for film’s “technicolour heroes” (Adorno, 1978, p. 202) and for “accumulated domestic monstrosities” (like the polychrome garden dwarf) which seek to imitate art (p. 225). Riley, however, primarily concerns himself with Adorno’s analysis of musical colourism in Wagner, an analysis detailing Wagner’s art of orchestration and his creation of a musical process “in which color itself becomes action” (cited in Riley, 1995, p. 52). The “chromatic bliss” of Wagner’s covered orchestra pit contains the instruments that sing to the composer in voices “magical and familiar at the same time, as colors are to children” (cited in Riley, 1995, p. 53). When effective, this bliss of magical, familiar colours works to erase the technical and highly regulated process of musical creation—and, likewise, of all artistic creation, since colour functions similarly in other artistic endeavours. Structural details and steely mechanics are subsumed to a seamless, chromatic bliss. As such, colour blooms when a work of art becomes transcendental.

Beyond musicology, Adorno observes colour in philosophy and aesthetic theory. Colour becomes Adorno’s metaphor for pursuing essence in philosophy—“philosophy is the

prism in which its color is caught” (cited in Riley, 1995, p. 55)—and the capturing of this spectrum requires that philosophers do away with the reifying and absolutist tendency to both view and pursue philosophy as a system (p. 54). Adorno also links colour, sooty colour, to his analysis of art. “Black as an ideal”, a passage in *Aesthetic theory*, details the darkness of contemporary art in Adorno’s time and connects it to a broader feeling of cultural impoverishment: the darkness of art imitates the social empirical reality of a bleak and dismal epoch. Black is an “ideal” because only the colour devoid of colours would enable art “to stand its ground” (Adorno, 1984, p. 59). This blackness of contemporary art is both an aesthetic and a symbol of mourning, “accentuating the awareness of an edge between sense and emptiness” (Riley, 1995, p. 56). Black, deems Adorno, is seminal in conveying this edge:

Along with the impoverishment of means brought on by the ideal of black, if not by functionalist matter-of-factness, we also notice an impoverishment of the creations of poetry, painting and music themselves. On the verge of silence, the most advanced forms of art have sensed the force of this tendency.

(Adorno, 1984, p. 59)

*Minima moralia* contrasts this somber shade with brief nods to colour, although the “chromatic bliss” discussed in light of musicology transforms into a delusion within the culture industry. In a passage titled “Late extra” Adorno entertains the concept of “newness”, particularly “the cult of the new” characterizing modernity. This oft-quoted phrase refers to “a rebellion against the fact that there is no longer anything new” (1978, p. 235) in our age of mass production; things are perpetually the same. Colour is complicit in creating the false promises of modernity, in which one finds “the many-coloured *fata morgana* in which the monism of bourgeois reason sees its self-destruction

glitter deceptively as hope” (pp. 236-7). This shimmering colourful mirage is far removed from Adorno’s philosophical prism “in which its color is caught”, and *Minima moralia* finds various other instances where colour serves less than lofty purposes. Sometimes colour is the mark of naivety, like a childhood fascination with the brightly-coloured marionettes in the toy store which does not yet realize the “wooden monotony” of life (p. 227). Adults, understanding this wooden truth, have lives steeped in grey. “Wearied by a false reality” theirs is a disenchanted world purged of colour—a “commodity world” that will only brighten under the condition that things cease to be appropriated for their exchange value (p. 227). In place of a truly colourful world of useful things, our grey is burnished with film’s “synthetic daydreams” populated by “technicolour heroes” who prove as equally phony and washed out as the celluloid stories they inhabit (p. 202).

Adorno suggests that colour can not authentically be controlled. It can be orchestrated, seeking a higher end, and equally exists as a metaphor, a prism, for capturing the essence of philosophy. Genuine human creativity in an unmediated, un-debased world would allow for a colour’s reign—yet the absence of this creative space leads to grey, impoverishment and black as an ideal. Colours we do see prove generally inauthentic, mere kitsch, and Adorno might have further played with the cosmetic, artificial nature of his “technicolour heroes” in the commodity world in light of the *literal* concern over celebrity colouring. To wit, Max Factor developed “pancake” makeup just so Hollywood actors would not appear green in the early days of colour film.

### Of fainting spells and corpses

In many respects, Roland Barthes addresses, and often upends, the issues of colour discussed by Adorno. *The responsibility of forms* (1991) contains two essays—“That old thing, art...” and “Cy Twombly: Works on paper”—in which Barthes muses on the aesthetics of colour and its functions. Like Adorno, who finds a message within polychrome gnomes and painted toy marionettes, Barthes uncovers rich meaning within the smallness of an instance; in this case, a tiny ‘prick’ of colour that simmers with force. His analysis of the art of painter Cy Twombly asserts that colour “is like a closing eyelid, a tiny fainting spell”, a momentary fall into the pleasure of vision. He continues:

But what is color? A kind of bliss. That bliss is in TW. In order to understand him, we must remember that color is *also* an idea (a sensual idea): for there to be color (in the blissful sense of the word) it is not necessary that color be subject to rhetorical modes of existence; it is not necessary that color be intense, violet, rich, or even delicate, refined, rare, or again thick-spread, crusty, fluid, etc.... It suffices that color appear, that it be there, that it be inscribed like a pinprick in the corner of the eye...  
(1991, p. 166)

This passage illuminates certain parallels and tensions between Adorno and Barthes. Both present the possibility of “bliss” through colour: Adorno’s chromatic bliss demands the impeccable orchestration of elements, musical or otherwise, in the hands of an artistic genius; Barthes’ eroticized bliss, also cradled in artistic hands, lies in the singular— a pinprick, a closing eyelid. Adorno seeks transcendence while Barthes speaks of a Fall (“a tiny fainting spell”). Yet there is a huge difference between Transcendence and Fall, and the very pleasure that Barthes promises through colour is precisely what Adorno damns. This becomes clear in Barthes’ discussion of Pop Art—an artistic style of surfaces, representations and repetitions, which *accepts* being “a collection of reflections

constituted by the banal reverberation of the American environment” (1991, p. 199). Lending power to pop art is its “philosophical quality” of conscious *facticity*: in deliberately seeking to drive away meaning through artifice, asserts Barthes, art returns; indeed, “it gallops back” (1991, p. 202). Colour proves seminal in this triumphant resurrection; in fact, colour brightly identifies a work’s artistic value, and Barthes boldly pronounces that “color and even substance (lacquer, plaster) give pop art a meaning and consequently make it an art” (1991, p. 204). Barthes lauds the openly chemical colours and aggressive artifice of pop art as assertively as Adorno denounces film’s plastic “technicolour heroes”—and the black Adorno requires for art “to stand its ground” is washed away by the vivid lacquers in which Barthes finds art.

Since the bliss Barthes describes can be experienced in the “aggressive” artifice of pop colour, it would be curious to hear his opinion on the factitious objects—blue fries, neon pink margarine, purple ketchup—currently circulating outside of the world of art forms “produced by mass culture” (1991, p. 198) and found in the world of mass produced products. Interestingly enough, colour ‘code breaking’ within the product world might be creatively understood through Barthes’ analysis, since he notes the importance of codes in pop art’s colour selection. Even ‘the art which seeks to undermine art’ is subject to a style, affirms Barthes; it employs colour codes already inscribed in the culture, although with great deliberation since intentional colour itself is pop art’s distinguishing factor (Riley, 1995, p. 57). Cardinal to ask is *how* colour in an individual work fits within the larger system or *how* the artist’s position relates to a traditional chromatic system, because the traditional chromatic system provides a benchmark against which to judge a

work. Using the same logic, it is the universe of mass produced red ketchup that makes purple ketchup factitious. It is the relationship of purple to the inscribed cultural code of red that speaks of artifice and inspires delight, and this example raises another key aspect in Barthes' understanding of colour, *which is pleasure*—"possibly the soundest motive for placing color at center stage" (1997, p. 57). Barthes' hedonistic and positive delight in colour directly counters the views of Adorno, who would find his sense of play both distracting and inimical to the critical questioning that should stem from engaging with 'authentic' art.

Barthes' interrogation reveals colour to be both *cosmetic* and *event*. It is something applied from without, like graffiti, and part of a performative act. Cy Twombly, for Barthes, "does not paint colour":

at most, one might say that he *colors in*; but this coloring-in is rare, interrupted, and always instantaneous, as if one were trying out the crayon. This dearth of color reveals not an effect (still less a verisimilitude) but a gesture, the pleasure of a gesture: to see engendered at one's fingertip, at the verge of vision, something which is both expected (I know that this crayon I am holding is blue) and unexpected (not only do I not know which blue is going to come out, but even if I knew, I would still be surprised, because color, like the *event*, is new each time" it is precisely the *stroke* which makes the color—as it produces bliss).

(Barthes, 1991, p.166)

Expectation is sprinkled with surprise, providing colour with a continual "newness" and transforming the process into an event. The artist's crayon never produces the same blue—it colours uniquely each time, and thus contains a remarkable freshness. Having colour can incite a quiver in our awareness—a tiny fainting spell, a momentary bliss—a

physical stroke prompted by the artistic stroke. And when Barthes mentions colour in the context of another art form, photography, this faint or stroke transforms into the macabre, becoming permanently paused in death. Conceptually, the idea of applying colour on top of a canvas remains, for in the photograph Barthes sees colour as if “a coating applied *later on* to the original truth of the black-and-white photograph” (1993, p. 81). “For me,” he affirms in *Camera lucida*, “color is an artifice, a cosmetic (like the kind used to paint corpses” (p. 81). Reference to the painted corpse relates closely to Barthes understanding of the photograph which, in arresting time and chemically fixing a fleeting event onto a print, paradoxically “produces death while trying to preserve life” (p. 92). Barthes’ observations, it is worth noting, also hints at the kind of artifice observed by Adorno; painting ‘life’ onto corpses is no less an illusion than viewing film’s technicolour heroes. There is a death implied in both acts, the sense of using colour to mask truth.

### **Derrida’s colour of ambiguity**

If Adorno is the ‘poet of black’, Jacques Derrida might be considered the ‘proponent of gold’, for this colour, along with the “white of paper or canvas”, comprise the “two signature tones” in his writing (Riley, 1995, p. 63). Derrida’s general insistence on the continual flux and instability of meanings, in tandem with his probing of textual polysemy, suggests that Derrida would *not* bolster the notion of colour *codification*—and although his writings pay tribute to both the force of play and pure sensation, this is not the same as Barthes’ “kind of bliss” that lends credence to temporal, cultural colour codes. Whereas Barthes sometimes places colour at center stage, Derrida chooses to read



on the margins, working to illuminate, for example, the stunning gold of picture frames and to question the impact of the gilded border on art.

In point of fact, Derrida once acknowledged that only words interest him (Gage, 1999, p. 8), yet Derrida's *own* words often dance around colour, noting either its impact or the impact of colour's restraint. From a philosophical standpoint, white emerges as a trope in "White mythology: Metaphor in the text of philosophy", Derrida's 1971 essay which aims to identify and then unsettle the metaphors grounding Western metaphysics. Anatole France observed that abstraction, fostered by metaphysicians who "dim the colors of the ancient fables" (Riley, 1995, p. 64), ultimately results in an anemic mythology. Inspired by this notion, Derrida's directs his scrutiny towards the "white mythology" that privileges whiteness over blackness and light over darkness—an esteem which supports racial domination as well as "the time-honored privileging of the sun as the dominant locus of signification" (Jay, 1993, p. 509). The specifics of Derrida's critique of the metaphors based on sense experience prove secondary to this particular analysis; of primary interest is that "White mythology" "established the role of white in Derrida's writing as a metaphorical reference point against which other colors play" (Riley, 1995, p. 64).

*Dissemination* (1983) also presents colour as a trope, with Derrida's deconstruction of the *Phaedrus* fleshing out the chapter titled "Plato's pharmacy". Here, Derrida focuses on the semiotic play of language, particularly of the Greek word for colour, *pharmakon*, which also translates as "drug", "medicine", "poison" and "remedy". *Pharmakon*, too, is the

word Socrates equates with writing, and Derrida does not let pass unnoticed Plato's association of writing with the acrid side of *pharmakon*, its function as a drug, compared to the noble (and ennobling) properties of speech. Within *pharmakon*'s myriad meanings—and Plato himself bends the term to fit his needs—*colour flows disguised* through Derrida's unpacking of the word. Beneath “writing”, “drug”, “medicine”, “poison”, “remedy” and “recipe”, colour still lurks. This relates to one of Derrida's core points, which highlights the very ambiguity of words and the prolificity of language: *pharmakon* as a drug means both *poison* and *cure*; simultaneously it embraces the hemlock Socrates drinks and the physic promised by his dialectic method. Restricting the multiple meanings of a particular word is one problem of translation, for the translators (in choosing one meaning for *pharmakon* and discarding the other) suggest there is only one interpretation of the text.

Although Derrida references colour in “White mythology” and “Plato's pharmacy”, he addresses colour most directly in *The truth in painting* (1987). “Color has not yet been named” declares Derrida in his essay on the generally ‘wordy’ sketches of artist Valerio Adami (1987, p. 169), but this resistance to nomination does not make colour any less worthy of mention. After Derrida waxes effusively on the “piled up words in *tr*: travail in train, *trait*, trajet, in-trigue” in his analysis of Adami (p. 169), he notes the artist's emphasis on the line in his drawings: “[c]olor is never anticipated in it, it never arrives before the complete halt of the motor *trait*, but *by that very fact it deploys... a force all the more unbridled* for the graphic apparatus's remaining ready, calm, impassively ready

for anything” (p. 172, italics added). This colourful force equally powers contemporary art:

The rigor of the divide between *trait* and color becomes more trenchant, strict, severe, and jubilant as we move forward in the so-called recent period. Because the gush of color is held back, it mobilizes more violence, potentializes the double energy: first the full encircling ring, the black line, incisive, definitive, then the flood of broad chromatic scales in a wash of color.

The color then transforms the program, with a self-assurance all the more transgressive (perceptual consciousness would say ‘arbitrary’) for leaving the law of the trait intact in its inky light. There is, to be sure, a contract: between the drawing which is no longer an outline or a sketch, and the differential apparatus of the colors. But it only binds by leaving the two agencies in their autonomy. As is said of grace, the ‘second navigation’ of the drawing in color is a first voyage, an inaugural transference. It has, so to speak, no past, no yesterday, even though, and because, the graphic structure is finished: therefore open, *viable*.

(Derrida, 1987, p. 172)

Colour’s constraint, then, lends it extra power; the potency of the colourful “gush” cannot be held back, and as it washes through line it “transforms the program”—that is, the ‘secondary’ quality of colour actually becomes a flagship, it launches a maiden voyage, creates a fresh entrance, boundless and timeless, into meaning. This is the fertility of colour, its rich contribution to art. Derrida infers that “the truth in painting”:

is embodied by color in its pure and direct application...like a voice breaking the silence with a pregrammatical, prerhetorical cry of presence and irreducible meaning. The finished work in line, by comparison, is closed and somehow impotent next to the ‘open, viable’ drawing in color.

(Riley, 1995, p. 68).

Colour’s power is also found in the frame, the liminal border on the outskirts of painting. Primarily, the frame concerns Derrida as a method of analysis—*The truth in painting*,

above all, aims to write *around* painting, to “fold” or displace the accepted philosophies surrounding questions of “What is art?” “the beautiful?” “representation?” (Derrida, 1987, p. 9)—but the frame also exists as a material object, bolstering, adorning and ultimately disturbing the internal order of the artwork it surrounds. Colour and the golden frame are probed in Derrida’s deconstruction of Kant’s *Third critique*, which contains, among other things, Kant’s thoughts on the pure judgement of taste. For Kant, aesthetic judgements are either empirical or pure. Empirical judgments are *sense* judgements, such as the “play of sensations” or “the charm of colours”, and unfold in terms of “agreeableness or disagreeableness” —but *pure* judgements, “judgements of taste proper” stem from the formal design, form or composition (cited in Derrida, 1987, pp. 52-3). Oftentimes, pure and sense intertwine—an interplay exists between the work (the *ergon*) and its ornamentation (*parergon*)—and this proves acceptable so long as the *parergon* heightens and sustains the delight in the design or representation. “But if the ornamentation does not itself enter into the composition of the beautiful form,” warns Kant, “if it is introduced (*angebracht*: fixed on) like a gold frame (*goldene Rahmen*) merely to win approval for the picture by means of its charm—it is then called *finery* (*parure*) (*Schmuck*) and takes away from the genuine beauty” (cited in Derrida, 1987, p. 53).

Derrida, predictably, takes issue with this. Scrutinizing Kant’s argument, Derrida observes that with Kant’s *goldene Rahmen* “what leads astray by its force of attraction is a color, the gilding” (p. 64), which captivates and seduces and ostensibly harms the integrity of the work. But why should colour be framed as such? And why should the

frame be reduced to a supplement or secondary feature? Derrida delights in the frame, in its chromatic transgression and unrepentant seizure of one's attention. The frame's subversiveness, its ability to jockey with the "center" (the *ergon*) for a position of importance forms a type of deconstruction in itself. At any rate, Derrida protests that "[t]he frame is in no case a background in the way that the milieu or the work can be, but neither is its thickness as margin a figure. Or at least it is a figure which comes away of its own accord" (p. 61). An essential quality 'sticks' to the border and allows it to hold its ground. Derrida stretches this conceit to its very limit, seeing in the frame a strength that transcends both the sensual and material, and is instead rooted in the conceptual. Perhaps, notes Derrida, there is an "internal infirmity" in the thesis pushed by Kant within the *Third critique*—for one only "pushes forward something which cannot stand up" on its own: "[f]raming always supports and contains that which, by itself, collapses forthwith..." (pp. 78-9).

When it comes to colour, Kant proves rather Janus-faced: colour *can* gain aesthetic autonomy or formal purity—but only to the extent that it remains pure. Colour's purity is indicated by its very distance from the sensual, and by its adherence to form and formal determinations (just as line adheres to a formal logic). Simple colour is pure and thus belongs within the realm of the beautiful, since it can communicate "universally" and "with certainty." Pure colour pulses: "colours are vibrations of the ether (*pulses*) at regular intervals" (cited in Derrida, 1987, p. 77). Mixed colours, conversely, do not express the regular play of impressions; blotted and besmirched, mixed colours cannot speak to the pure judgement of taste. Derrida tackles this distinction between beauty

(pure) and adornment (sense) with verbal relish, pointing out Kant's ambivalence toward colour—that is, Kant lauds colour's formal purity or pure presence and detracts from its sensory qualities and attractiveness or *Schmuck*. So what about the coloured frame? “This ambivalence of colour... is raised to the second power (squared) when it is a question of the color of the frame (*goldene Rahmen*, for example), when the parergonal equivocality of the color comes to intensify the parergonal equivocality of the frame” (77). Again Derrida draws attention to the power of the frame, which is charged by its golden colour. “Raised to the second power” in the frame, gold tips the balance toward the fringe—so much so that Derrida fails to even make mention in his analysis of what the frame contains (Riley, 1995, pp. 67-8).

When viewed in a broader context, it seems that colour becomes problematic for Kant when it seizes control of “pure” art forms by virtue of its attraction. For Derrida, this undoing is a positive thing—the fact that colour is liminal (on the outskirts of a painting or used to unsettle the founding tropes of Western metaphysics) makes it all the more powerful. Like Barthes, Derrida delights in colour but he accords it with more power—colour does not cause a lapse in consciousness (Barthes' “tiny fainting spell”); it works, in fact, to shift our focus, unsettle preconceptions, and *raise* consciousness. Derrida's *goldene Rahmen* is light years from Adorno's “black as an ideal”: it isn't blackness that enables art “to stand its ground” (Adorno, 1984, p. 59), but the gilded frame, the border which always supports “that which, by itself, collapses forthwith...” (Derrida, 1995, pp. 78-9). Adorno's black of mourning transmutes into golden merriment within Derrida; Adorno's pervading emptiness is flooded by Derrida's gush of colour.

Despite Derrida's primary interest in words, he fingers a fundamental piece of the colour puzzle: Derrida's golden frame effectively *controls* the scene; it is not controlled by that which it contains. This, along with Barthes' fainting spell or the chromatic bliss Adorno seeks in Wagner, is a colour that cannot be codified—particularly if codification is understood as a type of control. Colour's *frame, faint* or *bliss* suggests an entirely different type of communication, one that operates on a higher plane, far above the mere sending of messages.

In point of fact, the linking of colour, communication and the transcendent is not particularly new, for the idea recurs throughout Western thought. Plato's *Republic* (Book X), for instance, envisions different colours scattered throughout the universe; celestial harmony results from the continual hymn of singing sirens who each sit upon a different coloured heavenly sphere and hum a different tone. Christians transformed these singing sirens into angelic choirs, so that *The celestial hierarchies*, penned in the fifth century by Dionysius the Areopagite, equated angels to red, white, yellow and green jewels (Classen, 1998, p. 4). Seventeenth-century religious mystics like the German Lutheran Jacob Boehme also saw colour in the celestial, describing the "unsearchable varieties of colour and form among the angels", with each shade of angel reflecting the unique spirit dominant within it. The sound of the angels' music "produces the colors of heaven"—and from these colours blossom celestial plants, fruits and all other heavenly forms and figures (Classen, 1998, p. 24). Even the 18<sup>th</sup> century fascination with science gives pause for considerations of communication, colour and the transcendent. Emanuel Swedenborg's *Heaven and its wonders* outlines a hierarchy of angelic garments, whereby

garment colours correspond to levels of intelligence and truth (since all intelligence stems from Divine truth). Top angels 'blaze' in the colour of flame, lower angels wear the 'white' of a less enlightened truth, or the reds, greens, and blues of goodness (Swedenborg, 1952; Classen, 1998, p. 4).

Drawing this discussion back more squarely to communication *per se*, it is fascinating to note that these types of connections—ones linking communication and the transcendent—are deeply rooted. Spiritualist roots, in fact, ground our modern ideas of communication, stretching back to early Christianity and also finding expression in British empiricism and nineteenth-century spiritualism (Peters, 1999, pp. 63-176). This is the dream of communication as the mutual communion of souls, the weighty proposition that communication should strive toward ethereal modes of thought transference and do away with mediation; the dream, in short, is to communicate as the angels do. This goal of angelic communication proves significant for it reveals the spiritualist underpinnings within the modern idea of communication, and thus makes the "transcendent" capabilities or characteristics of particular forms of colour communication less strange.

If this notion of colour, communication and transcendence seems unsatisfying, perhaps it is because we have followed the "rhapsodic tradition" cultivated by Adorno, Barthes and Derrida only to arrive at a comment on angels, while the question of colour communication *writ large*, along with that of colour codification, still hovers unanswered. This is not accidental. To reiterate, the rhapsodic tradition is characterized by its "lyric and occasionally mystical course" and "extravagant rhetoric" (Riley, 1995,



pp. 25, 46); and, although parallels exist between Adorno and Barthes' sense of chromatic bliss and the visual reframing prompted by Derrida's *goldene rahmen*, or between the possible surface-ness, cosmetic or facticity of colour that is identified by all three thinkers, *no claim is made that the faction reached any consensus*, any permanently valid theory of colours or, indeed, any solution "to the many anomalies and incompatibility problems which they started" (Riley, 1995, p. 25). It's a discovery trail, this path of the rhapsodic tradition, with the curious, unusual and mind-stretching strewn about (or hiding in rocky crevices). Upon reaching the end of the path, no single statement on colour can fully capture the richness of the journey. Perhaps part of the difficulty stems from the socio-historical span of the 'tradition', which ranges from post-war Adorno, and the Barthes of 60s pop art (and beyond) to the post-structuralism of Derrida. The bleakness of the "age" lamented in Adorno's *Minima moralia*, not to mention his disdain for what film's technicolour heroes represent, is the critique of a particular cultural moment—these essays were penned from 1945 to 1947. Barthes' critical essays on art and representation focus on 60s pop art and then the late-1970s sketches of *Cy Twombly*; he also penned his reflections on colour's 'cosmetic' in photography in the 1970s. Derrida's *Truth in painting* was first published in 1978. But overlaps do exist, and it would be reductionist to restrict a work's influence with its date of initial publication. Derrida's concerns about White mythology (1971) were voiced at roughly the same time Adorno's *The jargon of authenticity* and *Minima moralia* were translated into English (1973 and 1974, respectively), and also, incidentally, during a prolific period in Barthes' writing. Since reprints of all three scholars' works (as well as new observations by Derrida) can be found in texts and anthologies published from the

1980s onwards, it suffices to say that the ‘rhapsodic tradition’ proves less linear than one might initially think. And if a common thread *must* be found within this “extravagant rhetoric” (Riley, 1995, p. 25), it lies in the basic acknowledgement of colour as a significant communicator (for good or ill) and the consideration of colour’s unique meaning-making properties, not to mention the sociocultural implications of its presence. Colour can operate on a transcendent level; it can resist control or codification; it can cause a momentary blip in reality—prompting a fainting spell or even a form of awakening. Colour, furthermore, has the ability to define or alter an entire scene—and from this knowledge, we can continue to press forward in pursuit of the question of how colour alters the ‘scene’ of communication studies itself.

### **Back at the (communication) scene**

In many respects, this dissertation addresses the general flatness of much of contemporary communication studies—a critique stemming from the field’s current, predominant focus on technologically ‘mediated’ communication (i.e., radio, film, television, the internet) at the expense of other significant and powerful communicators. Indeed, there is a concern that needs to be voiced over the line of thought that prompts a certain communications scholar to propose (in the inaugural issue of a new journal on visual culture) that visual studies “is most productively conceived as media studies” (Poster, 2002, p. 67) because of our cultural landscape marked by “the digitization of text, sound and image” (p. 69) and the ubiquity of information machines in modern society. This rationale immediately truncates the scope of visual studies and of media studies as well, since media can comprise *more* than digitized texts and information

machines—historically, “media” was often used to refer to the five senses (Peters, 1999, p. 156). It is this kind of constraint that blanches the field, creates a type of mediacentric whitewashing, and invalidates some truly important stakes in the study of communication. This is not to suggest, however, that all current communication research sidesteps the question of colour communication.<sup>1</sup> Communication scholars Gunther Kress and Theo van Leeuwen (2002) recently explored the possibility of understanding colour communication by creating a “grammar of colour” that identifies the deliberate use of colour by sign makers, as well as their differential motivations in using colour. Treating colour as a semiotic resource, the authors strive to detail “what kind of communicative work colour is made to do in today’s increasingly global semiotic practices, and how” (2002, p. 350); like Riley, they (prudently) make no claim to discovering “universal and suprahistorical facts about colour” (p. 350). Instead, Kress and van Leeuwen’s research identifies a spectrum of colour use, where some colours have particular, limited domains (which the sign-makers employ for very specific purposes) and others enjoy a wider distribution. This research is helpful in validating colour communication as a topic in its own right, and it proves unique in attempting to create an understanding of colour *schemes* or colour combinations in communication. However, Kress and van Leeuwen’s focus on colour *grammar* and colour *schemes* do not readily inform the study of colour codification for a single colour, and thus the research remains of limited use to this

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<sup>1</sup> Lorna Roth, for instance, is currently exploring issues of whiteness (i.e., skin colour), including the ‘manufacture’, reproduction and normalization of skin tone in light of the technological apparatus (such as television, still photography, cinema and computers) that manufacture representation itself. Roth’s questions regarding the production of visual imagery prove unique, but are technologically focused and do not speak to questions of colour codification beyond race. As such, Roth’s research is unable to inform this study of colour codification/communication.

project. What's more, the authors believe that colour "can combine freely" with many other semiotic resources (or modes) in architecture, typography, product design and the like, "but not exist on its own. It can survive only in a multimodal environment" (p. 351). This stance removes the possibility of finding meaningful application of Kress and van Leeuwen's insights to this particular study: the very existence of blue margarine, or trademarked green-gold, or pink as a universal symbol of breast cancer or even the Global Landmarks Illumination Initiative (in which notable landmarks worldwide are lit up in pink light to symbolize breast cancer awareness) suggests that colour *can* exist on its own. In fact, virtually every item scrutinized within this dissertation suggests that colour *per se* connotes—blue margarine connotes *without* the "fun squeeze" bottle, pink without the 'ribbon' and Qualitex's trademarked green-gold without the dry cleaning press pad. Even ancient Rome bears this out, with *purpura* lifting from the cloth to connote the Emperor and his Imperial court.

Truth be told, this section's focus, "Back at the (communication) scene", finds a barren 'scene' indeed. There's not a lot of interest in colour communication, and even less in colour codification. Even so, this should not be considered the particular vagary of communication scholars—according to David Batchelor's book *Chromophobia* (2000), the whole of Western Civilization, from Plato onwards, has largely subordinated and marginalized colour.<sup>2</sup> We may have failed to notice the "extreme prejudice" against colour (p. 22) or its forceful exclusion (p. 21), but Batchelor notices and his probings discover that "in the West, since Antiquity, colour has been systematically marginalized,

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<sup>2</sup> See also Philip Ball's *Bright earth: The invention of colour* (2001, pp. 12-14).

reviled, diminished and degraded” by generations of philosophers, artists, art historians and cultural theorists (p. 22). *Chromophobia*, this loathing of colour, is fostered by devaluing colour in one of two ways: either colour is conceptualized as ‘foreign’—a feature of “the feminine, the oriental, the primitive, the infantile, the vulgar, the queer or the pathological” (p. 23); or colour is minimized as superficial, mere artifice or cosmetic. “In one, colour is regarded as alien and therefore dangerous; in the other, it is perceived merely as a secondary quality of experience, and thus unworthy of serious consideration. Colour is dangerous, or it is trivial, or it is both” (p. 23). Both of these prejudices, perhaps, have (unconsciously) factored in creating the spartan scene of colour communication—I personally find that when introducing this topic at communication conferences, the general tenor of the audience response is ‘interesting if slightly trivial.’ Colour, as it were, is received as a cosmetic within communication—an appealing distraction, but superficial and certainly lacking the significance found in studies on technology or mass media or political economy. And when scholars of *visual studies* even vote to sidestep the communicative properties of colour *per se* (as earlier mentioned), there remains little question of colour’s secondary status.

According to Batchelor, colour’s secondary status also makes it dangerous: the foreign or alien always presents a threat and consequently should be contained or tamed. Colour “is dangerous because it is secondary... The minor is always the undoing of the major” (Batchelor, 2000, p. 31). And in many respects, colour is dangerous to our contemporary conception of communication because validating colour communication will “undo” our understanding of media studies and visual studies and communication *writ large*: to

reiterate Derrida, colour will transform the program. Validating colour communication proves equivalent to Barthes' fainting spell or Derrida's focus on the frame—it shifts consciousness or focus—yet it presents the simultaneous difficulty what to *do* with colour communication. Since it cannot be adequately theorized, affirming colour leaves us open to the uncertainty of methodological approach, which is quite unsettling—it's as if we are opening the dam for Derrida's gush of colour, with the very real possibility of being washed away by the flood.

But there is the potential to ground our understanding of colour communication, without denying its unique characteristics. The first order of affairs is to recognize that 'communication' pertains to the deployment of the visual. Colour speaks volumes, and it frequently 'speaks' from center stage (despite the insistence that colour should remain in the wings). Colour's communicative potential has been acknowledged by the courts and by commercial players, by special interest groups and in public space (not to mention the nods to colour made by Adorno, Barthes and Derrida)—and this recognition should position colour as an object of study in its own right, even though it is a tricky communicator and not easily addressed. Despite the absence of a clear paradigm for understanding (or evaluating) colour communication, the field of communication should remain open to its communicative potential, as well as the culturally produced regularities in its use. This proposition is not particularly radical, given that the history of communication is characterized by a fascination with 'wordless contact': as Peters affirms in his book on the history of the idea of communication, "I am sceptical that the word 'communication' can ever fully shake the ghosts of wordless contact" (1999, p. 9).

And perhaps neither the word, nor the idea of communication, should ever shake these particular ghosts, for embedded in this idea is the wordless contact experienced in colour, ranging from the transcendent colour of angels to the material symbolizing of Ancient Rome's imperial court.

Colour communication, then, is best conceived of in Foote's (1983) terms—as a prop—which can link together society by the suggestion of a shared interest, even though we may not be cognizant of the negotiation or of our participation within it.<sup>3</sup> Not all colour serves as a prop, obviously, but in instances concerning its deliberate use it proves helpful to understand colour in the loose terms of being related to flows of information within a particular social context. Colour, as Foote attests, is a mode of communication. And it is more than this too; it is medium of signification and of representation and even of exchange. But here is the crux: while colour communication does not require language, colour codification does—at least initially—although the promise is that once 'coded' or defined, colour can transcend language and stand on its own. Proper codification, it is hoped, culminates in wordless contact.

The point is intriguing: while colour itself might be freely disseminated, there is no guarantee that it *means* anything at all; and should it mean, the possibility of distortion remains. This is where colour codification comes into play—as a response to the *possibility* of distortion in particular expressions of colour communication. Codification is used to stem the 'gush' of Derrida's colour or reduce the noise in colour

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<sup>3</sup> See Chapter 5 for an in-depth discussion on Foote's understanding of colour communication.

communication, to prevent (or at least mitigate) its possibility of breaking down. This in itself is a form of mediation, with certain social actors seeking to assign meaning to particular hues for particular communicative purposes. *Meaning* in codified colour, furthermore, is provided through language, spanning from the Theodosian code and the code of Justinian in Ancient Rome right through to the modern trademark laws regarding colour. Starting with the most literal expression of modern colour codification, trademark law works to define what a colour *per se* mark means and to prevent the distortion of particular colour ‘props’. Commercial players are thus enjoined from willfully creating confusion (as per the Qualitex vs. Jacobson case) or inadvertently attaching another meaning to a colour prop in a particular context (as with Lyons vs. Morris Costumes). Such ideas of trademarking colour *per se* striates the conceit of a purely transcendent colour communication and grounds it with a verbal anchor—namely, the written trademark description. Simultaneously, there emerges a curious perspective towards the accessibility and inaccessibility of particular forms of colour communication. Trademarked hues, on the one hand, are secured (and desired) on the basis of mass accessibility; it is their mass dissemination, and the widespread recognition of what the colour code ‘means’ that makes them coveted as a mark for a particular good. Despite this, a trademarked colour’s successful ‘signifying’ in tandem with the law’s support creates a certain *inaccessibility* to those seeking to employ particular hues for similar commercial, communicative purposes.



Less obvious instances of colour codification exist as well, and equally tinker with notions of the accessible/inaccessible. In the case of the Colour Elite<sup>4</sup>, the self-designated arbiters of colour style advise that colour communication is best left to ‘experts’ capable of forecasting appropriate hues for the current cultural environment. Language proves overwhelmingly pertinent to these forecasts, as *words* work to indicate the relevancy of shades as well as to refresh stale or outdated colours. To wit, *digital green* indicates its “wired” significance and marked distinction from the environmentally-inspired *kelp* through *language* not colour, while modern shades like *espresso* affirm a cosmopolitan flair and a vast distance from the very similar looking *chocolate brown* of the 1970s. Members of the Colour Elite claim that mediation is key to securing appropriate colours—indeed, that colour styles would not even exist without such involvement. Teaming up with the expanding universe of colour codification under this ‘expert rule’, too, is the pointed message that codification is, if not natural, at least necessary. So while colour is readily accessible from a consumption perspective, its actual coding (culling and naming) is reserved for a select few.

Colour codification in product marketing presents a rather different set of circumstances. Here, it is not uncommon to witness a deliberate distortion of the colour ‘code’ created by marketers themselves, who hope to make a product unique and highly visible through breaking expected ‘rules’ of colour application. In this arena, colour communication appears open and pliable, with acceptable protocols of colour use frequently and radically transgressed. The result is blue fries and purple ketchup, pink margarine and bondi blue

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<sup>4</sup> Refer to Chapter 3 for an analysis of the Colour Elite.

computers—arbitrary and anarchic colours that emphasize the essentially visible nature of hue and its power to adorn. Underpinning this seemingly chroma-ocular madness, however, is a code—the ‘grammar’ that Kress and van Leeuwen discuss or the traditional chromatic system against which Barthes’ pop colours assert themselves as factitious. We know that margarine ‘should’ be yellow and ketchup, red; the existence of the code is what makes breaking it possible—and delightful. Yet even this colour ‘play’ expresses mediation through its deliberately distorted code, through the very artifice of the colours, which create a heightened sense of awareness that *someone* has intervened and tinkered with the formula. Vivid parodies of ‘standard’ products attest to a strategy that likely spawned from a marketplace overcrowded with goods—the strategy of using colour *transgression* to seize consumer attention. Hinted at, too, are notions of inaccessibility, since only one pink margarine spreads through a sea of yellows; this unique ‘instance’ of pink is highlighted, despite the fact that the tinted fat exists as a mass marketed consumer item.

In public space, the communicative process of colour finds new circumstance. Public actors have found in colour the power to bind people together. Colours such as pink parade as symbols of community for breast cancer survivors and supporters, and the hue becomes a rallying point around which ‘worlds of concern’ and care are built.

‘Community’ ostensibly springs from recognizing and validating ‘code pink’, such that people who lament pink’s role in distorting the meaning of the breast cancer movement—a distortion caused by marshalling around a colour instead of demanding both corporate accountability and medical solutions for cancer—have great difficulty stemming the pink

tide. For them, pink is a feminized and fraudulent cover up, a frosting on cancer. Pink therefore should be muted, and members of Breast Cancer Action, for one, strike a symbolic 'x' through the pink code, pointing out instances of shameless corporate 'pinkwashing' and urging people to 'think before you pink'.

Despite this, the ubiquitous pink ribbon, 'Think Pink Week' and 'Pink Sunday' thrive, along with various communities of Pink Page Ladies and Pink Ribbon Girls. Shining above it all is the much-hyped Global Landmarks Illumination Initiative, a-lighting the world in pink. Pink in all its manifestations is repeatedly lauded as the international symbol of breast cancer awareness and community. That pink (apparently) connotes so consistently, from ribbons to lights, might be viewed as indicative of its triumphant codification, a case in which colour transcends the need for words—where 'wordless contact' shines. But caution must be taken, for this disembodied pink remains open to distortion, or at least, reclassification. Recent events at the 2003 march for International Women's Day (held March 8) bear this out. Thousands of women in the antiwar group, Code Pink, used the occasion to promote a different agenda, exploiting the theme of pink to its fullest capacity as a symbol of and call for peace, not war, against Iraq. Code Pink plays on the American 'colour coded' security alert system; anti-war vigilantes created the 'code' to counterpoise U.S. President George Bush's "Code Red", which indicates a severe risk of terrorist attacks. Women supporters in over 50 U.S. cities carried pink placards and stuffed pink bunnies, donned pink clothes and wigs and boas in their peace rally. Inherent in this rally, however, is the hijacking of both International Women's Day and the apparent colour 'code' of breast cancer awareness. Some ladies, dressed in

pink to signify support for *women's* issues on March 8, expressed justifiable dismay at the un-requested conflation of their support for women's equality and justice with a political stance on war in Iraq. As a whole, Code Pink aptly indicates how the notion of an independent form of representation is vulnerable to (re)mediation and reclassification—vulnerable, in short, to distortion of the presumed 'code'. Even if pink *per se* does 'universally' symbolize breast cancer awareness (as certain groups would have it) the prodigious prop can be culled to participate in a *different* flow of information, and to suggest the possibility of building a very different kind of world.

Here we are left with some intractable questions on colour communication and codification. Colour codification, it appears, works at interpersonal and national and international levels—it promises the personal style, vogueish-signification of CAUS- or CMG-inspired hues; it protects colour *per se* trademarks nationally and indicates country-wide safety codes and standards; it signifies membership in 'global' communities, and mobilizes support for particular movements of international concern (be it breast cancer or anti-war protests). Some 'coded' colours prove purely cosmetic and pointedly frivolous while other codes become agents of global education or awareness. As a whole, however, *communication* of these codified colours is both hemmed in and bolstered by language, law, marketing and/or mass media—because the promise of colour *per se* communication requires other forms of communication first.

Throughout, issues of mediation and distortion hover. Colour codification, as evinced, consistently sets up its own forms of constraint; colour communication repeatedly

appears to break free. Promising ‘wordless contact’, colour communication ultimately pulses with myriad messages: a single instance of pink *per se* connotes fashion hue, fibreglass insulation, funky margarine, ‘global’ breast cancer awareness and international peace cry—and its disembodied state carries no guarantees that the context will properly constrain the message. Legal discourses operate alongside the rhetoric of corporations, special interest groups and public actors, and all work to establish unique forms of colour constraint which promote the ‘ownership’ of colour in various ways. Yet there’s a fullness to colour that language, law, and literature, or any means of expression, cannot contain. Such fullness is found in Adorno’s ‘bliss’, Barthes’ ‘faint’, Derrida ‘frame’ and his ‘gush’ of colour—it’s the colour communication that resists codification, the transcendent colour that promises wordless contact but keeps the precise message a mystery.

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Communication studies frequently make reference to the ‘thickness’ of the mediation distinguishing the current cultural landscape, and validate media studies in light of the masterdom of digitized texts, moving images and information machines. Mediated ‘thickness’, however, is more powerfully indicated by the degree to which our culture strives to bring ‘natural’ communicative devices under its control. Ironically, what first began in the seedbed of our civilization as a royal attempt to control the *material* source

of purpura<sup>5</sup> (and what also finds ready expression in the patenting of ‘recipes’ for various dyes) has transformed into cultural attempts to control and constrain colour in its immaterial form. Aspects of the sensorium, in this case, colours, are put up for ownership. Suggested here, too, is that colour functions well in dissemination, just as long as appropriate ‘anchors’ exist to properly root the message.

From the standpoint of public communication, these claims to ownership prove disturbing; they are disturbing because the primordial nature of colour suggests that it should remain part of a cultural commons, and also because colour’s ‘naturalness’ and ubiquity means that we may fail to actually realize or assess how it is being sequestered, directed and/or hollowed out by legal or commercial interests. Lifting the veil on this control reveals that there is an economics behind colour, as well as a series of players who select, rank and channel the colours we see. In short, understanding colour as a communications protocol or symbolic device also necessitates an awareness of how, and by whom, colour is being controlled.

Even with this awareness, the case of colour codification also brings with it the interpretive dilemma of colour *communication*: spreading a particular message through codified colour *per se* is viewed by many cultural players as wonderful, so long as it comes with an assurance that the transmission will be received without distortion or noise. Language, law, public discourse and other forms of media are thus employed to ‘secure’ colour’s code; meanwhile the field of communication studies hesitates to grapple

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<sup>5</sup> ‘Material’ control being the Imperial sequestering of the molluscs and dyeworks that supplied the Ancient world’s first colourfast dye.

with such nebulous phenomena. Colour communication, in effect, remains off the map. Problematic, this is, because as with modern cartography, the map, in disciplining and creating boundaries, actually channels activities within a particular space: it determines where we can and cannot go. From a mapmaking perspective, colour communication falls squarely in the unknown, in the realm of 'Here Be Giants'. Although the nature of colour communication may necessitate that it remain slightly beyond our grasp (echoing Derrida, "colour has not yet been named"), it proves equally problematic to entirely discount colour's communicative potential and the myriad attempts at its control. Probing this unmapped territory, however, reveals far fewer giants lurking outside the boundaries than angels—angels carrying the metaphorical promise of communicating wordlessly and transcendently in all the hues of the rainbow, while bringing the universe into alignment with colour.

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