

Ice cream TURF WARS

Two ice cream truck franchises operating in New York City have turned an innocent summer treat into a freighting territory feud

While experimenting with popsicle sticks, Harry Burt put ice cream on a stick and created the very first Good Humor bar. He bought 12 refrigerated trucks to sell these portable ice cream bars throughout town.

1920s

Mister Softee began William and James Conway, two freezer mechanics, designed a freezer specifically to operate in a truck. They sold their first green colored soft serve on St. Patrick's Day in 1956 West Philly.

1956

Business boomed for almost 60 years. With success, prices for ingredients and materials rose within the Mister Softee franchise. One man refused to pay the high prices, and started his own venture.

2013

Since the Master Softee name, logo, truck colors, and overall aesthetic was strikingly similar to Mister Softee, the original national franchise sued Master Softee for Trademark Infringement.

2014

With it's new lawsuit win, Mister Softee continues to dominate the soft serve industry in New York City, as well as 15 other states, with a fleet of over 600 ice cream trucks nationwide.

2015

Mister Softee hits New York Ice Cream Company with another lawsuit. The original soft serve giant claimed that NYICC was illegally playing the Mister Softee famous jingle from its trucks.

2016

Amid the scandal, Mister Softee drivers are forced out of midtown by the New York Ice Cream crew from intimidation including weapons and threats. Mister Softee hires private investigators to follow NYICC trucks to ensure the safety of their drivers.

2017

Dimitrios Konstantakos was fed up paying, and created a new brand called *Master Softee*. By simply changing one letter of the name, adding sprinkles and a waffle cone to the logo, a competitor was born.

Master Softee suffered a major setback in the trademark infringement trial. Dimitrios Konstantakos becomes responsible to fork over a six-figure payout for licensing and marketing fees as a result.

In response to the Trademark infringement trial in 2014, the Master Softee trucks re-brand as New York Ice Cream Company (NYICC) trucks - with purple hues and a new skyline logo.

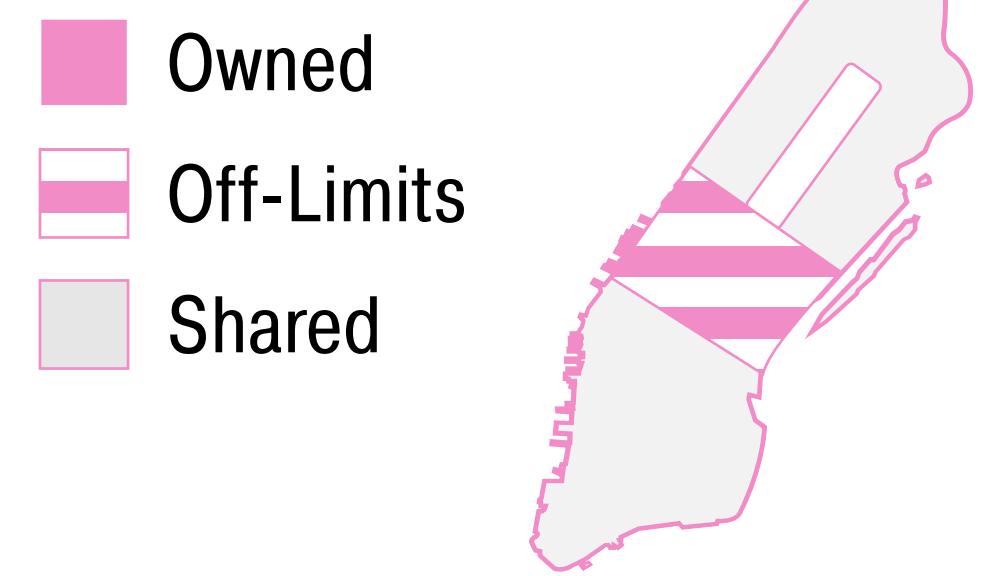
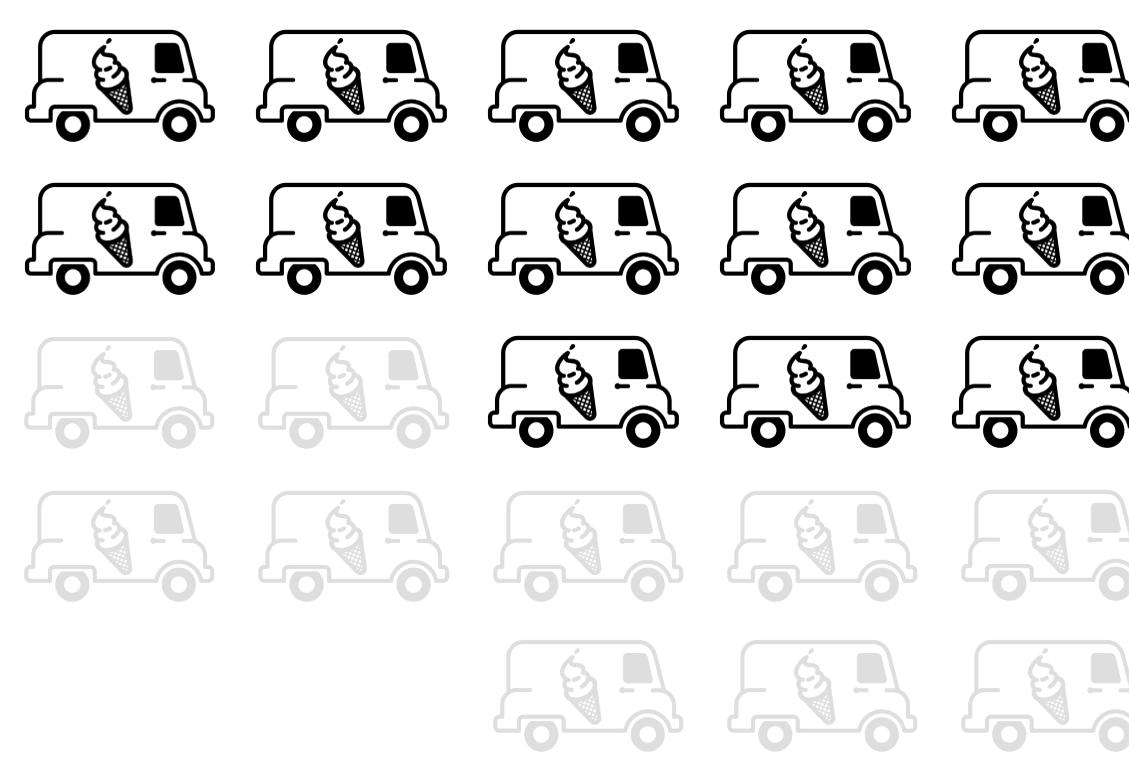
Unable to get ahead, the New York Ice Cream Company losses the second lawsuit to Mister Softee and now owes a total of over \$767,000 to the Mister Softee company.

The NYICC has grown to 46 drivers in NYC (compared to the 126 Mister Softee in NYC alone) and controls midtown's highly trafficked tourist areas through "swarming", banging on windows, and chasing any Mister Softee trucks that enter the area.

The Original Mister Softee

One black truck icon = ~10 operating trucks in New York City. There are 228 total trucks permits for 2017. Mister Softee holds 126 permits to operate in NYC. They hold over half of the permits allotted in 2017. This representation doesn't include Mister Softee's 600+ trucks nationwide.

55%

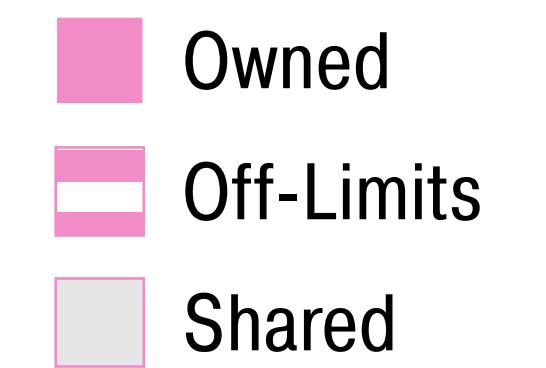
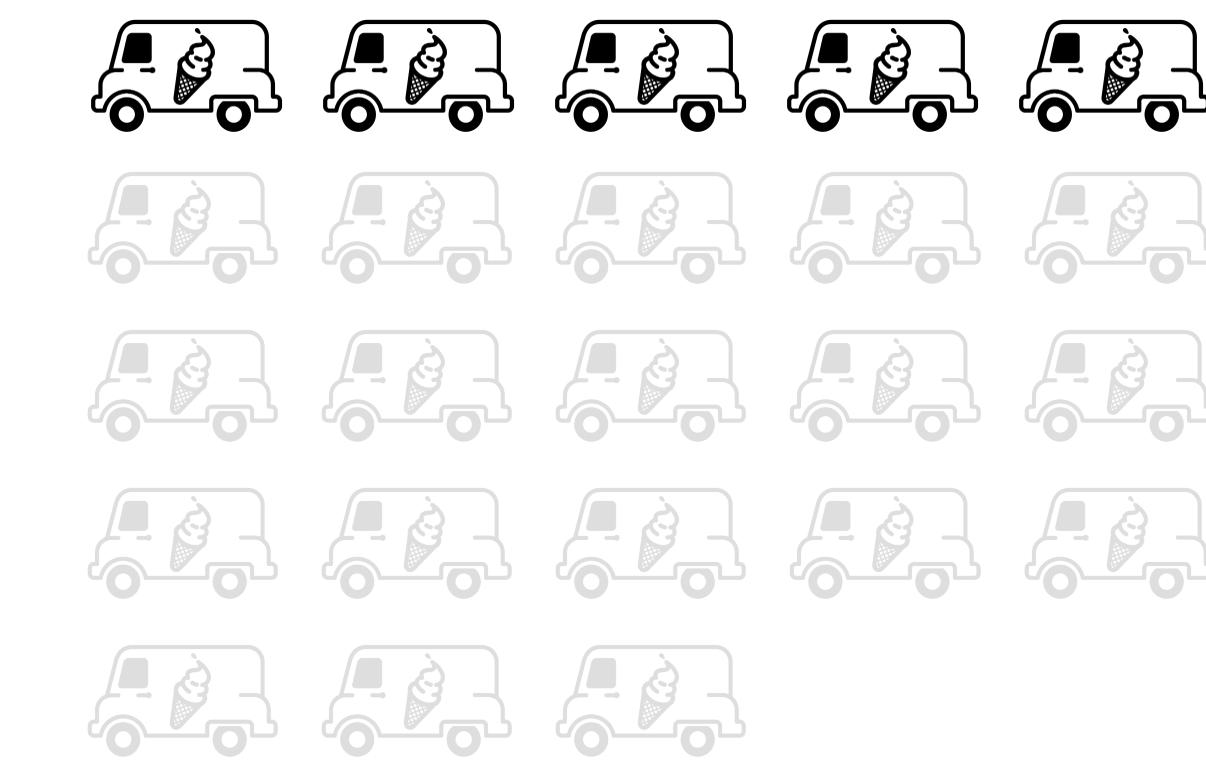


The Original Mister Softee shares the square mileage of only 85% of Manhattan, despite having over 50% of the ice cream truck permits and the most revenue and supply to meet demand; not to mention the history of introducing the world to soft serve ice cream from a truck.

New York Ice Cream Company

One black truck icon = ~10 operating trucks in New York City. There are 228 total trucks permits for 2017. New York Ice Cream Company doesn't come close to the same number of permits or trucks. In 2017, NYICC only holds 46 permits, but the company is up from only 16 in 2014.

20%



New York Ice Cream Company has dominated the most popular tourist locations: from 30th st to 60th st, river to river. This area includes Times Square, 30 Rock, the Empire State Building, and most tourist attractions. They have achieved this by threatening, swarming, and attacking drivers from other companies.

New York Ice Cream is the sole operator in 15% of Manhattan, which includes 40% of the most popular tourist attractions in NYC. Almost 60 million tourists spent \$42.2 billion dollars in 2016; implying New York Ice Cream has an unfair and illegal advantage on the ice cream truck industry