

'JERITZA' ON CIGAR, PRIMA DONNA SUES

**Charges Bronx Firm Used Her
Name and Picture on Bands,
Boxes and Match Books.**

SAYS FAME BARS ANY DOUBT

**Sure "La Jeritza" Means Her, Since
She Is So Widely Known—Seeks
Injunction and \$25,000.**

Maria Jeritza, the prima donna, sued Louis and Isadore Cohen in the Federal Court yesterday for \$25,000 for alleged misuse of her name and her picture. The defendants, under the name of Cohen Brothers, manufacture cigars at 1,016½ Westchester Avenue, the Bronx.

Prior to last December, the complaint alleges, and continuously thereafter, the defendants, in violation of the Civil Rights Law of this State, used on their goods the name of the plaintiff and sometimes added to their offense by printing, in connection with the name, a picture of a woman in fancy dress which purported to be that of the plaintiff.

The plaintiff explains that her full name is Maria Popper Podhrogy Jeritza, that she is an alien and was born in Austria. She described herself as a professional vocal artist, engaged in the business of singing and acting in grand opera, at concerts and at special recitals, having been engaged in this work continuously since 1910. Since 1921, she says, she has been under contract with the Metropolitan Opera Company to sing in grand opera in this city and elsewhere in the United States, and that she expects to continue this connection for several years to come.

After saying that she is widely known in this city and throughout the United States and Europe and "throughout the civilized world," the complainant explains that according to custom among musical and artistic persons the plaintiff's name is frequently coupled with the French, Italian and Spanish "La," the feminine definite article in these languages by way of emphasizing her preeminence as a musical artist. So she is known generally as

"La Jeritza," and contends that this phrase can mean no other person than herself.

The use of the phrase therefore by the defendants' cigar bands and boxes accompanied by a picture and by the trade name "Cohen Brothers," and the name without a picture on smaller sizes of cigars called "Little Cigarros," and the name with a picture upon packages of matches have resulted in the injury for which she is now seeking damages, along with an injunction restraining the defendants from further use of her name and an accounting to discover whether she is not entitled to more than the exemplary and actual damages claimed.

It is alleged that the defendants have violated her right of privacy and have made large profits through the violation.

Mme. Jeritza, her friends declared, has never permitted anybody to invade her rights or to impose upon her in any way without being confronted with serious trouble of one kind or another. Some of her difficulties with artists and others have been printed, along with the story of her triumphs on the operatic stage: Last June the King and Queen of England heard her sing the title rôle in "Tosca" at Convent Garden, and she has sung leading parts in all of the noted operas. Her counsel is the law firm of Hornblower, Miller & Garrison.