



*Despite Topps' lock on the baseball card market between 1956 and 1980, there were dozens of other sets issued each year. How did they do it?*

# How licensing has played a role in what we collect

## Topps, Bowman and oddball cards

By George Vrechek

I visited a card store recently that had over 40 million cards for sale. Having worked through most Topps and Bowman sets, I asked the young man at the counter if they had much in the way of vintage oddball cards. It took a while for me to explain what I was looking for. I concluded that they had regular Topps issues from 1958 to 1980 but no oddballs that I had in mind.



### Defining oddballs

Jefferson Burdick (1900-1963) did a fantastic job of categorizing cards issued with tobacco, bakery goods, gum, candy, meat, ice cream, and cards issued by themselves in strips or from vending machines. Burdick's American Card Catalog even listed what we might call collectible non-cards such as bottle caps, matchbook covers, stamps and photos. Burdick would also scratch his head as to defining oddball cards since his catalog embraced everything. Nothing was odd.

However, if Burdick or the store employee had been an attorney specializing in the "rights of publicity," they might have had a different take on how to describe cards. The attorney would understand that I was looking for issues by non-Topps or non-Bowman entities who had their own licensing agreements with major league players, associations, teams or perhaps no one at all, and that the product might be outside what would be considered a trading card. By my count, there were over 1,000 baseball sets issued just between 1941 and 1981 that fit the above description.

### Player agreements for trading cards

By the 1960s, Topps standard agreements stated that the player “grants Topps the exclusive right to sell that player's name and picture alone or in combination with chewing gum, candy and confection, or any of them, for the first five baseball seasons in which that player is in the major leagues.” Reading that provision quickly might cause you to conclude that Topps had all the players wrapped up on any kind of card for at least five years. Why then, were there so many other card sets issued during this era?

Words, like in the Topps agreements, are important in law, and there are at least two sides to an argument. Attorneys are adept at presenting arguments for whichever side employs them. Clients usually compensate attorneys by the hour, and clients quickly learn that the cost of lawsuits must be weighed against the potential rewards. Let's look at some of the language of licensing more closely.

### Was Johnny Mize the “Father of rights of publicity attorneys”?

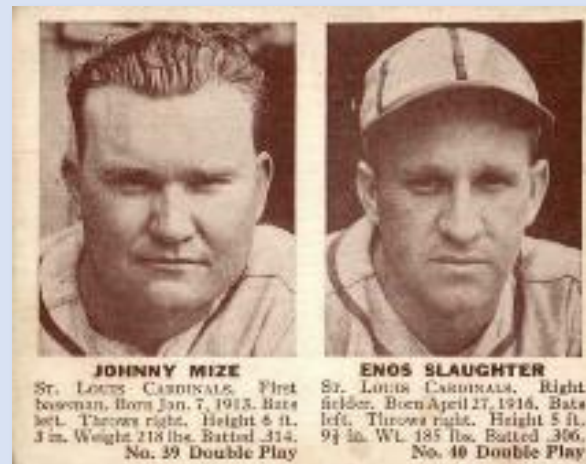
The genesis of the Topps contracts with players likely developed from a 1941 lawsuit by Johnny Mize that got the attention of J. Warren Bowman (1895-1962). Bowman started Gum, Inc. in Philadelphia in 1927 and produced the Play Ball sets of 1939-1941.

In 1941, a new competitor, Gum Products Inc. of Cambridge, Mass., issued their Double Play set of 75 two-player cards. Johnny Mize appeared as #39 and #99. Mize sued Gum Products, Inc. claiming that he had not consented to the use of his image.

While Honus Wagner objected to his T206 card and Babe Ruth to the Baby Ruth candy bar, no one apparently had filed a lawsuit until Mize. (Incredibly, Curtiss Candy successfully sued Ruth for infringement for his Babe Ruth Home Run Bar.)

While Mize was a young star at the time, he had not been in the Play Ball sets. Had Gum, Inc. left him out because he didn't consent? Mize had an endorsement agreement for Wheaties in 1940.

*Johnny Mize appeared twice in the 1941 Double Play set without his express consent and sued Gum Products, Inc.*



### Consent from stars in the 1930s?

I couldn't find evidence that card issuers had asked for consents from all players in a set prior to 1941, but the 1933-4 Goudeys of Ruth, Gehrig and Klein had to be subject to player approvals and payments. Ruth and Gehrig were among the first players with an agent, Christy Walsh. Ty Cobb would also not be the kind of person to consent without getting paid, and he also used Walsh.

Matt Glidden of Cambridge, Mass., has researched the Goudey Gum Company and offered his opinion, “With Gehrig becoming the first athlete on a Wheaties box in that same era, I see the likely situation. Companies purchased photos from photographers, teams and wire services and would use them with minimal checking for consent unless a top star was involved. For Goudey in particular, I think they signed an agreement with Christy Walsh, who handled promotions for Babe Ruth and Lou Gehrig, for one year of each player's image in 1933. When Goudey used Babe's image several times that year with great success, I bet Walsh's 1934 asking price for Ruth proved too steep for Goudey, so they went all-in on Gehrig.”

The backs of the 1934 Goudeys included the statement that Gehrig and Chuck Klein (who also got to “say” something on 12 of the 96 cards) were “by arrangement of Christy Walsh.”



Christy Walsh represented Ruth, Gehrig and Klein and “arranged” their involvement in the 1933 and 1934 sets.

### Photographers’ rights

Teams allowed photographers like George Brace, George Burke and Charles M. Conlon to take photos from the field. Photographers would ask players for their verbal approvals. Teams paid for photos they needed. Photographers also sold photos to the players to use for their fans or themselves, to baseball publications and through photo service agencies like Underwood & Underwood or International Film Service. Player/team contracts in the 1930s didn’t include anything on photo usage.

At issue in the Mize suit was Mize’s right to control his “publicity.” Even though the photographer or the photographer’s client may have a copyright on photos taken, did that right necessarily extend to a right of duplication or derivative works? Was Mize a public figure who had therefore given up his right to privacy?

While Mize lost his suit, the cost of litigation to Gum Products Inc. was noted by Bowman and potential card competitor Leaf Gum Co. When Gum, Inc. (renamed as Bowman Gum Co.) and Leaf competed with baseball cards issued with gum in 1948 and 1949, they decided that they had better get written consents from players and pay them something for their trouble to avoid litigation.

### Plenty of litigation to go around

There was still plenty of litigation anyway since Bowman and Leaf were going after the same players. Bowman prevailed over Leaf but was soon back into litigation with the Shorin family’s Topps Chewing Gum, Inc. which entered the baseball card market in 1951. (Bowman sold his company in 1952 to Haelan Laboratories.) While Bowman had the initial advantage of being the incumbent card issuer, there were a host of contractual issues which complicated their arguments against Topps.

Topps issued their 1951 red and blue backed sets with sticky caramel rather than gum. Bowman then amended their player agreements to include not only gum but “confection.” A court decided the amendment caused Bowman’s priority of contract to fall behind any prior Topps agreements. Topps agreements came to them through three different avenues: independent broker Russell Publishing,

Topps' exclusive agent - Players Enterprise Inc. or directly through Topps, usually by Sy Berger. Bowman's contracts were through agencies, notably Joan Crosby of Art Flynn Associates. Some contracts were exclusive, and some were not. Topps had a slightly different agreement with just the Yankees. The rights of publicity were slowly emerging as protections through statutes or case law, but they were not the same in every jurisdiction. In addition, the Uniform Player Contracts now allowed teams to use pictures of their players for "publicity purposes in any manner."

It all made for a confusing array of issues to argue expensively between Topps and Bowman and plenty of reversals of decisions upon appeal. However, the initiative of the Shorin family and the success of their employee Sy Berger in developing the financially successful 1952 and 1953 issues, encouraged Topps to persist in their challenge to Bowman. Cases got as far as the U.S. Supreme Court. The dispute resulted in the Second Circuit Court's decision that individuals possess not only a right to privacy, but the opposite right of publicity, a right that importantly can be assigned to others by contract. Topps learned from this experience that the best time to sign players was before they even got to the major leagues.

The Bowman and Topps selection of players during their fight tell you the degree of contract certainty that the companies had in including or excluding certain players like Williams, Robinson, Mantle or Musial. Taking a more conservative approach than when they issued the 1952 set with 407 players, Topps decided to pull six cards from their 1953 set and four from their 1955 set to reduce their exposure.

Topps argued that even if a player had signed with Bowman and Topps, that any action by Bowman should be against the player and not Topps. After prevailing over Bowman (then Connelly Containers) in 1956, Topps would argue the opposite in acting against Leaf in 1959. However, no gum company was going to sue a player and have the rest of the clubhouse boycott them.

### **Player contract language**

If you read the Topps/player contract language closely, you might notice that the agreement doesn't prohibit another issuer from pairing the player image and information with other products like tobacco, cereal, dog food or bakery products. Bowman, Leaf and Topps must have been advised that if they included exclusivity on all products, such provisions might be held to be invalid or monopolistic.

Topps and Bowman contracts both referred to "pictures" of players. The agreements didn't say anything about "paintings" of players. Perhaps Topps had that in mind when they decided to go to the extra trouble to use player paintings for their 1953 set?

Over time, contract language was tickled to address new problems. Player agreement only restricted them in their first five seasons, but Topps pursued extensions on a staggered schedule to keep agreements from running out at the same time. Language changes included references to just "trading cards" and excluded pictures 5" by 7" or larger.

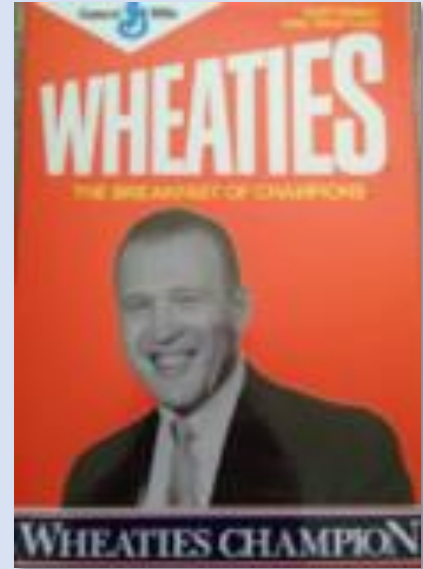
Starting in 1959, Fleer and Leaf resumed their efforts to enter the baseball card market without much luck. While Fleer had Ted Williams to themselves in 1959, 80 cards of Ted demonstrated that single-player sets were not popular. Even though Fleer artists carefully cropped out any other players from the card images or redrew them with no identities, they still goofed and had to withdraw card #68, because it also pictured Red Sox GM Bucky Harris who was still under a Topps contract – and Topps noticed.



*Ted Williams signed with Fleer for 1959 and got to see (most of) his face on 80 cards.*

Retired players featured by Fleer in 1960 and 1961 were fair game since they picked ones who were not under any current Topps contracts. The Federal Trade Commission investigated Topps trade practices in 1964, due to a complaint by Fleer, and upheld the actions by Topps in a split decision.

*Sy Berger would network with others in the industry. General Mills mocked up this Wheaties box as a gift to Berger. Photo – Berger family*



### **Glenn and Maxine Berger**

I interviewed Sy Berger (1923-2014) of Topps a few times. It would have been nice to call him up again and listen to his stories of what was going on at the time. Sy Berger had told me how he had worked his way into the locker rooms and talked to players about signing with Topps. Some of those players became life-long friends, like Willie Mays.

Years later, Topps hired Sy Berger's sons, Glenn and Gary Berger, to get minor league players signed to Topps contracts. The Berger children including Maxine were involved when I did a 2014 story on their father.



*Glenn and his dad, Sy Berger, both graduated from Bucknell as did Joel Shorin of Topps. Photo – Glenn Berger*

*Glenn Berger in 1966 was about the same age as the A-League players he signed to Topps contracts. Photo – Glenn Berger*



I called Glenn Berger to see what he remembered on the subject. Glenn was born in 1948 and got to accompany his dad into dugouts, clubhouses, training facilities and Topps offices. Starting in 1965 and continuing for most of the next 17 years, Glenn spent his summers (which he had off as a school counselor) driving around the East and Midwest signing minor league players to Topps contracts. He remembers signing Robin Yount, who was playing for Newark in his one 1973 minor league season.

Glenn explained that the minor league coaches and managers were usually ex-players who knew his dad. Sy Berger cultivated rapport with anyone he met, especially guys who weren't big stars or might not even be players. Glenn added, "Occasionally, a player or two would hesitate to sign, and my dad would have me drive back, even if it were 500 miles, to talk to the player again."

Maxine Berger added, "During this period, my dad was instrumental in creating the language right down to the punctuation for the Topps player contracts. He certainly would have been involved in any litigation."



*Topps didn't always have ideal photos after Marvin Miller's arrival.*

*Marvin Miller was the executive director of the MLB Players Association from 1966 to 1983.*

### **Marvin Miller and the royalty treatment**

The MLB Players Association hired Marvin Miller as their executive director in 1966. Miller began marketing the rights of player publicity as a group to others to the extent that they did not violate the Topps agreements. However, to get some bargaining power with Topps, Miller advised the players in 1967 not to sign renewals with Topps and to not allow Topps photographers to take their pictures. Topps had few recent photos to use, and their 1968 and 1969 sets were full of airbrushed uniforms, old photos and hatless players. Glenn Berger said that his dad got along well with Marvin Miller, even though they were on opposite sides of the bargaining table. Miller wanted Sy Berger to come work for them, according to Glenn Berger.

Also in 1966, Major League Baseball formed Major League Baseball Properties, Inc. which established separate royalties to use images of active players in team uniforms. To confuse us all even more, the MLB Players Association licensing arm is today known as MLB Players, Inc.

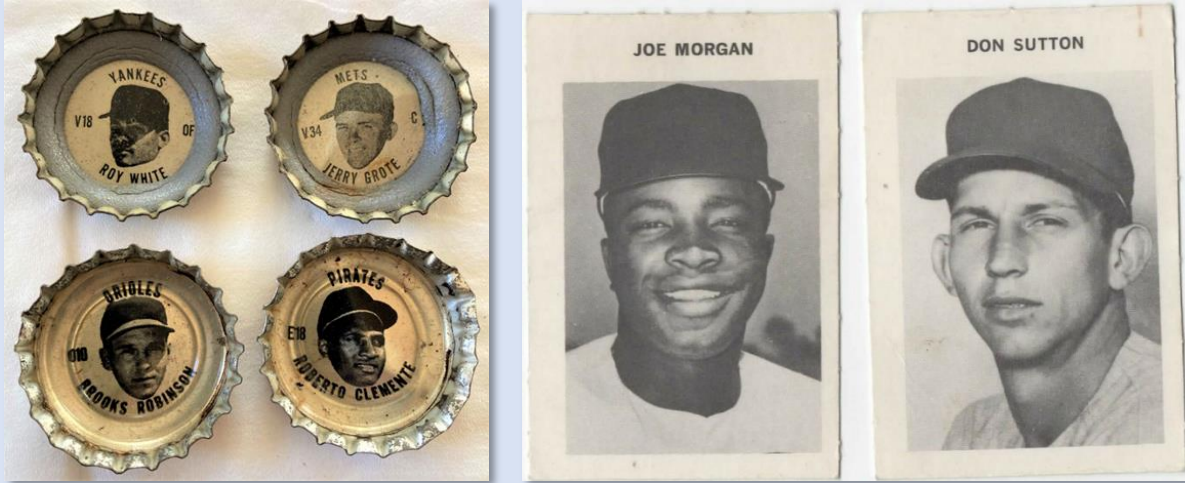
Let's go with "the league" to represent Major League Baseball and their licensing entities and "the union" to represent the Major League Baseball Players Association and their licensing entities.

Everyone, including Topps, got to pay two royalties – one to the players directly (or the union) and a separate royalty to the league, if they wanted to depict players in their uniforms. Life was never the same.

By late 1968, Miller had successfully negotiated more money for the players from their individual agreements with Topps plus 8 to 10% percent of Topps sales for the union. Topps got a 10-year truce out of the agreement to continue as the sole licensee for trading cards with gum. Topps contracts have continued to be directly with the players.

### Generic hats

Coca-Cola was among the first to pay the union for a license to include images of players on the underside of bottle caps for 1967-8. Miller also negotiated group licensing agreements with other non-gum companies like Milton Bradley. After 1966, the league required royalties if uniform logos were shown. Coca-Cola and Milton Bradley airbrushed out the logos, as did many subsequent card issuers who dealt with the union. Still, it was easier for companies to deal with the union than run around trying to sign hundreds of players to individual contracts.



*1967 Coke caps were licensed by the union but not the league. You got airbrushed black hats and no logos. Photo – Jake Elwell*

*Milton Bradley got to use players on their (1969-1972) game cards but did not have an agreement with the league for uniforms.*



*Topps had their own assortment of oddball inserts and special sets*

We have looked at the evolution of licensing baseball player images and team logos in the 1941 to 1981 era. With an understanding of what companies had to do to issue cards, we can better organize our litany of oddball cards.

### **Topps' very own oddballs**

Topps Gum had their own assortment of oddballs. Topps Doubleheaders of 1955 was their first special set; they began inserts in 1960, sometimes on a test basis. By the late 1960s, when they were paying more to obtain rights, Topps must have figured they should get their money's worth by having longer sets and special sets – game cards, pin-ups, rub-offs, peel-offs, stand-ups, scratch-offs, decals, stamps, coins, posters, deckle-edged, tattoos, plaks, cloth, transfers, traded, Bazookas, giants, supers and minis. Between 1960 and 1980, they cranked out at least 116 such issues. Not all are easy to find since their circulation sometimes might have been not much further than Woody Gelman's or Sy Berger's desks.

Between 1947 and 1980, despite the dominance of Topps and Bowman in the baseball card market, there was a steady stream of about 25 to 35 issues per year. How were so many other companies able to issue cards given the language in the Topps and Bowman contracts?

### **Gum rivals**

The easiest to find of the oddball sets, were those of the major potential competitors to Topps. Fleer signed players in the early 1960s culminating in their lone 66-card set of current major leaguers in 1963. Thereafter, they issued sets which skirted the Topps agreements featuring baseball subjects, but no current players – World Series cards, all-time greats, baseball records, slang and team logos. The continued efforts by Fleer were important in their 1975 complaint against Topps and the union. Fleer's anti-trust action culminated in the explosion of competition starting in 1981.



In 1960, Leaf utilized the Hal Smiths on three cards, not counting the two difficult variations involving Smith of the Cardinals.

Leaf was a Chicago-based company that had dabbled in baseball cards over the years. In 2009, I interviewed owner Sol Leaf's son, Marshall Leaf (1922-2010). He said his dad "would use every name for his business other than, Leaf. The principal entity was called Overland Candy." The name Dietz (issuer of the rare 1933 Al Demaree Die-Cut set) came from one of the employees, Joe Dietz, who had no ownership in the business.

Leaf, under the name Sports Novelties, Inc., had the rights to use players in a 1960 144-card set, but they could not issue cards alone or with gum. They did the next best thing and paired the cards with marbles. Marbles?

Fleer and Leaf are among the easier to find oddballs, but they were not usually cards of current players. The exceptions are the 1948-9 Leafs, 1960 Leafs and the 1963 Fleers.

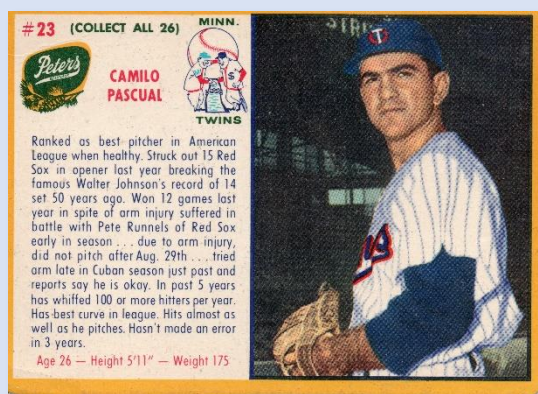
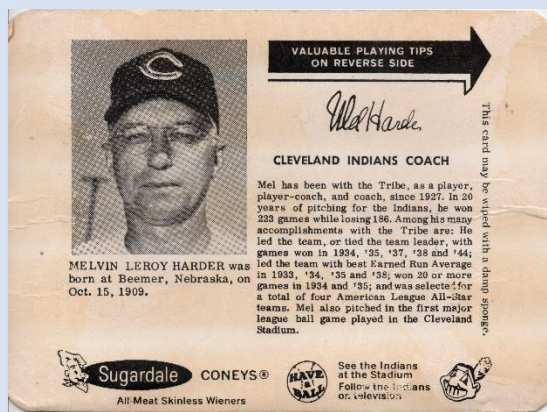
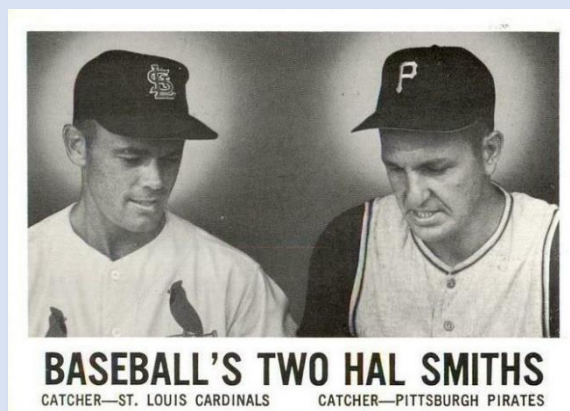
In 1962 and 1963 Sugardale Meats issued cards of most Cleveland and some Pittsburgh players in their packages of wieners marked, "This card may be wiped with a damp sponge." Clemente and three short prints make the sets pricey.

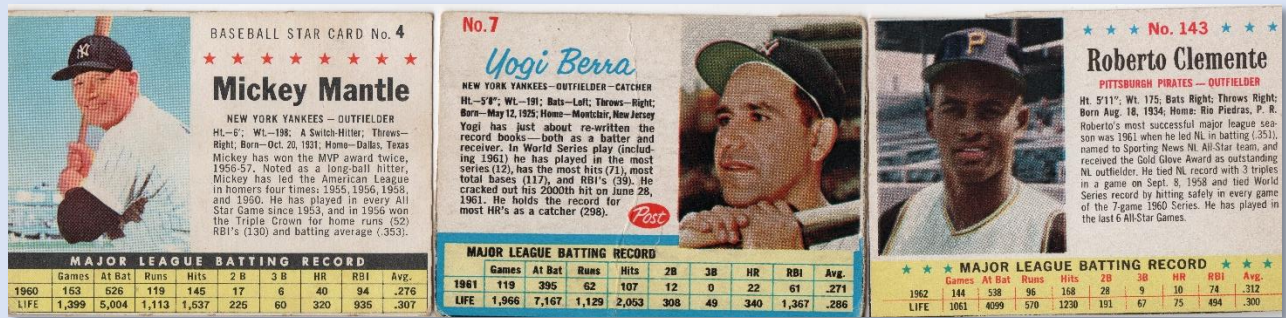
### Licensed, but outside Topps agreements

Our next category, I call cards that were licensed or permitted by the players or the union and the league but fell outside the Topps agreements because they were not issued with gum or not considered "cards."

Many of these were issues of single teams or teams in a region, and they were paired with tobacco, meat, bakery products, dog food, chips, cereal, beverages and anything else one could think of that wasn't gum or a "confection." Cards sold alone or through a mail-in proof of purchase offer might run afoul of the Topps agreements. Cards in this category have both player images and team logos.

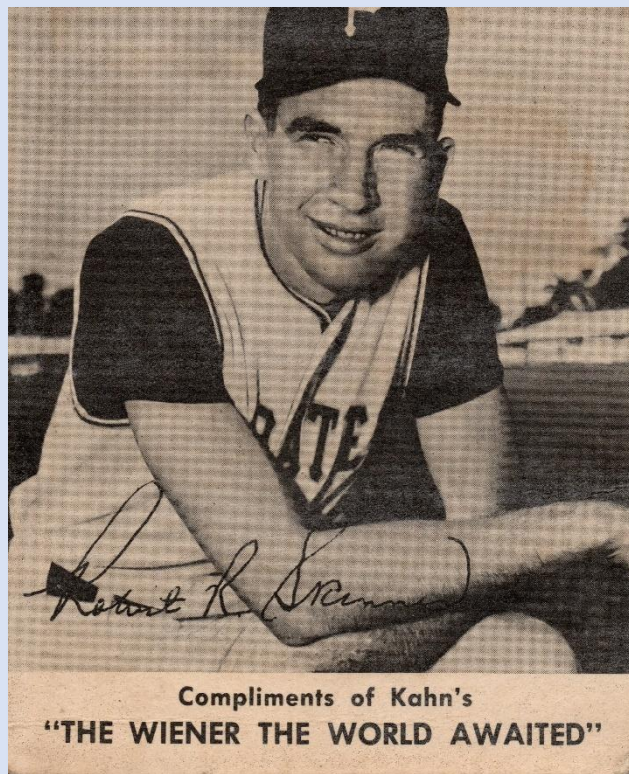
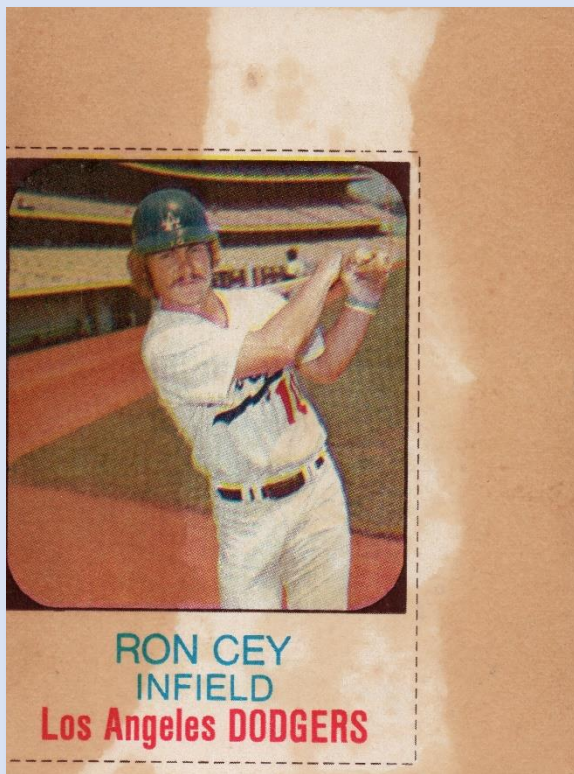
Upon the arrival of the Minnesota Twins in 1961, Peters Meat Products of St. Paul issued a 26-card set as part of their packaging and included "Killer Killebrew."





The Post sets of 1961-3 were heavy on stars who had to be signed to individual player agreements. A huge company like General Foods could more easily afford the time and money to do a national set from scratch.

The most findable of these issues are the nationally distributed Post sets of 1961-1963 and the Kellogg's and Hostess sets of the 1970s. Sets suffer from bad scissor jobs by young collectors or cracked plastic on the Kellogg's.

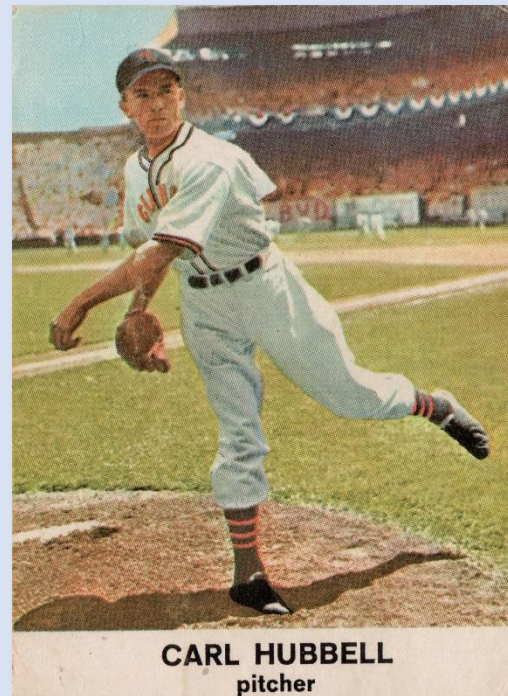
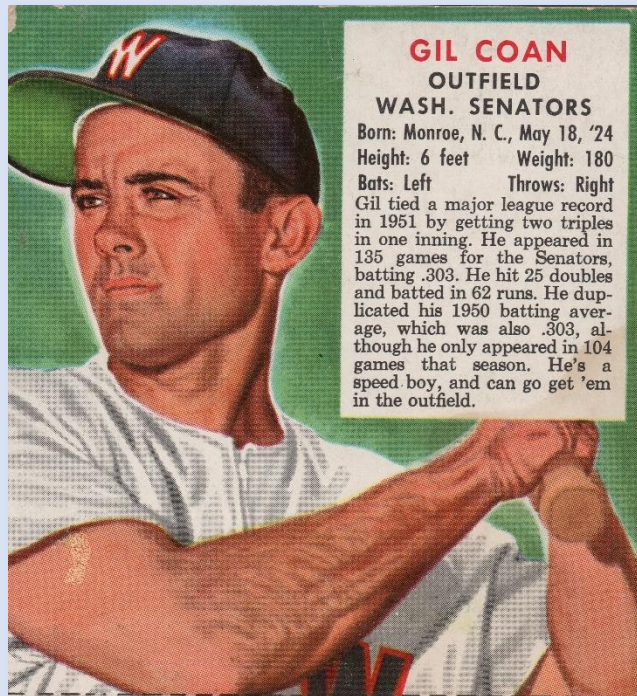


Hostess cakes might add flavor to the cards as seen on this 1975 Ron Cey. Hostess cards were issued between 1975 and 1979.

From 1955 to 1969 Kahn's Meats of Cincinnati issued cards of players in their market regions. It looked like the meat companies were trying to get kids hooked on hot dogs rather than gum.

General Foods Corporation had the Post and Jello brands. Post was one of the few to go to the trouble of signing over 200 players rather than featuring a local team or two. Post took photographs and wrote the bios. They were able to include uniforms. Post made the most of their effort by printing 400 million cards one year. The sets are loaded with corrections and variations, making master sets a lifetime achievement.

Red Man Tobacco cards (1952-5) were banged around in their packages affixed to tobacco pouches and de-tabbed – 50 stubs got you what proved to be an expensive baseball hat. Ted Williams and Stan Musial must have been paid to be in these sets, but Mickey Mantle somehow was not among the “All-Stars” selected by J.G. Taylor Spink of the Sporting News.



*Red Man chewing tobacco was not a product that you would associate with baseball card collectors in the 1950s, but neither were the T206s 40 years earlier.*

*The 1961 Golden Press cards of retired players were on the cover or inside a book inviting young readers to punch them out.*

Royal Desserts, Johnston Cookies and Wheaties cards got the bad scissors treatment as well. Cards issued with meat, chips or bakery products might suffer from stains, but they looked more like baseball cards – Dan-Dee Chips, Glendale Meats, Hunter Wieners, Rodeo Meats, Stahl-Meyer Franks and Esskay Hot Dogs.

Golden Press and Hires Root Beer cards have survived in decent shape. The 33-card 1954 Red Heart Dog Food set ads featured Stan Musial, who was not on Bowman or Topps cards between 1954 and 1957. If you mailed in two labels and 10 cents, you received 11 cards with no dog food stains.

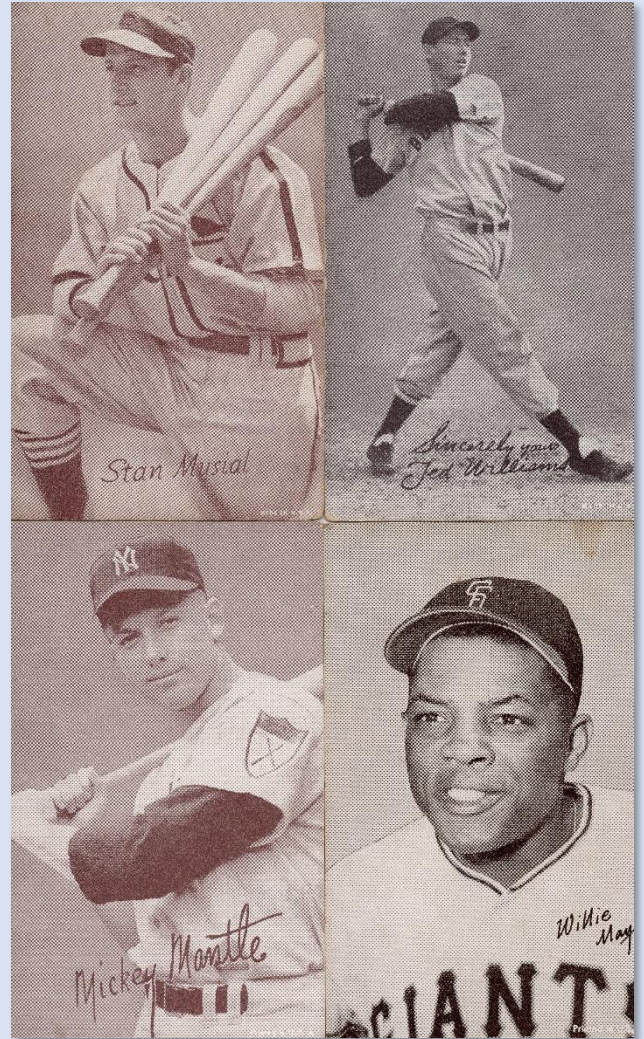
Many sets had limited, regional distribution. Consequently, they can be hard to find and expensive, even if you are just looking for a type card.

## Exhibit cards



*If an Exhibit player was traded, he might get a new hat. Carl Sawatski's uniform lost its Braves emblem when he went to the Phillies in 1958. The "P" on his hat was added and then deleted when he was traded to the Cardinals in 1960.*

*Players on Exhibit cards remained virtually unchanged over the years. Ted Williams' photo lasted nearly 20 years.*

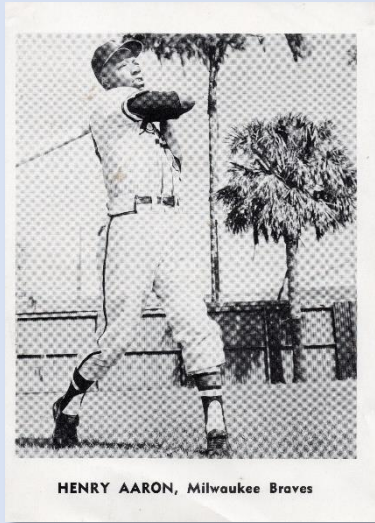


The Exhibit Supply Company issued baseball cards between 1921 and 1966 and therefore preceded the Topps agreements. It is doubtful that ESCO had agreements with any of the players they featured. They bought the photography (and any related rights) and produced cheap cards sold out of arcade machines, usually for a penny. ESCO updated photos by airbrushing hats and uniforms. They had no biographies or statistics (save 1962 and 1963). ESCO had a few tough oddballs of their own with postcard backs, a Canadian issue, Wrigley Field, Dad's Cookies and Hall of Famers.

We are not sure how ESCO continued to fly under the licensing radar for so many years, but we do know that several players objected to their inclusion in the 1966 ESCO issue according to Chet Gore, who owned ESCO at the time. ESCO pulled them from the printing and determined that it wasn't worth the future legal and licensing costs to continue printing baseball exhibits. ESCO's exit also coincided with Marvin Miller's ascension with the union. ESCO printed 32 or 64 cards of players whenever they felt like it, which was usually once a year. Fortunately, plenty of ESCO cards were produced before they started to run out of gas by 1966.

## Team or league issues

Team-issued picture packs and postcards started in the 1930s. By the 1940s, the standard agreement between a player and a team provided that the team had the right to use images of the player for publicity purposes. Picture packs and postcards were usually sold in the ballparks but could also find

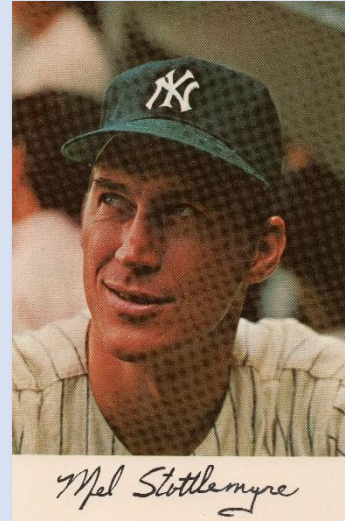


HENRY AARON, Milwaukee Braves

their way into other outlets. Jay Publishing began producing similar looking team sets in 1958.

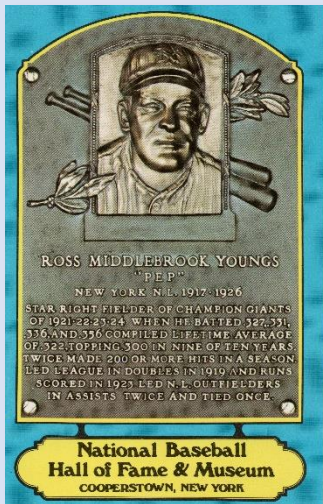
Topps probably felt that anything that the teams permitted under their clauses with the players should be ignored. The teams could well argue that their products were not cards; they were photos, postcards, pins, drawings, stickers...and keep your nose out of our concession stands anyway.

*Teams issued photo packs of their players and sold them at the ballparks or by mail under the "publicity purposes" clause in player contracts.*



Mel Stottlemyre

*In 1970 and 1971 the Yankees held clinics for kids and gave out postcards of the players involved. Teams were allowed to use player photos for publicity purposes. DiMaggio and Mantle appeared on one card.*

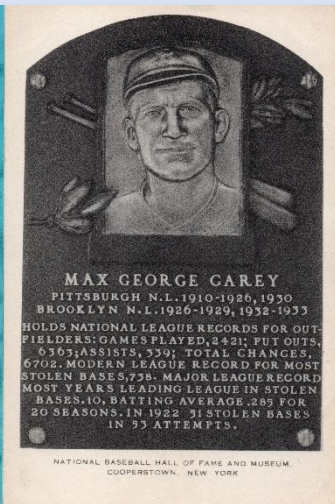


ROSS MIDDLEBROOK YOUNGS

"PEP"  
NEW YORK N.L. 1917-1926

STAR RIGHT FIELDER OF CHAMPION GIANTS OF 1921-22-23-24, WHEN HE BATTED .327, .331, .336 AND .336 COMBINED LIFETIME AVERAGE OF .322; HOPPING 300 IN NINE OF TEN YEARS; TWICE MADE 200 OR MORE HITS IN A SEASON; LED LEAGUE IN DOUBLES IN 1919 AND RUNS SCORED IN 1923; LED N.L. OUTFIELDERS IN ASSISTS TWICE AND TIED ONCE.

National Baseball  
Hall of Fame & Museum  
COOPERSTOWN, NEW YORK



MAX GEORGE CAREY

PITTSBURGH N.L. 1910-1926, 1930  
BROOKLYN N.L. 1926-1929, 1932-1933

HOLDS NATIONAL LEAGUE RECORDS FOR OUTFIELDERS: GAMES PLAYED, 2,421; PUT OUTS, 5,107; ASSISTS, 339; TOTAL CHANGES, 6,792; MODERN LEAGUE RECORD FOR MOST STOLEN BASES, 738. MAJOR LEAGUE RECORD MOST YEARS LEADING LEAGUE IN STOLEN BASES, 10; BATTING AVERAGE .285 FOR 20 SEASONS; IN 1922, 31 STOLEN BASES IN 33 ATTEMPTS.

NATIONAL BASEBALL HALL OF FAME AND MUSEUM  
COOPERSTOWN, NEW YORK



GEORGE HERMAN (BABE) RUTH

BOSTON-NEW YORK N.L. 1915-1935

THE "SLUG"  
GREATEST DRAWING CARD IN HISTORY OF BASEBALL; HIGHEST OF ALL-TIME RUN AND HOME BATTING AVERAGE; MEMBER OF HALL OF FAME IN 1937; 13 TIMES IN WORLD SERIES.

NATIONAL BASEBALL HALL OF FAME AND MUSEUM  
Cooperstown, New York

*The Baseball Hall of Fame issued postcards of members or authorized others to do so.*

Topps added language to their player agreements that cards more than 5 by 7 inches were excluded from their domain, which may have been the reason for such things as Dexter Press/Coca-Cola team cards which measured 5 ½ inches by 7 inches. In addition to team issues, the Hall of Fame produced cards and postcards of retired players. I counted 128 issues between 1941 and 1981 in this category.

### One or two needles in a haystack

I found about 100 “sets” in this era which were one or more cards of a single player. Such cards were usually tied into a player appearance or player-owned or endorsed businesses. Cards were printed in limited quantities and didn’t make it into kids’ shoeboxes. Consequently, if you ever find them, they can be expensive.

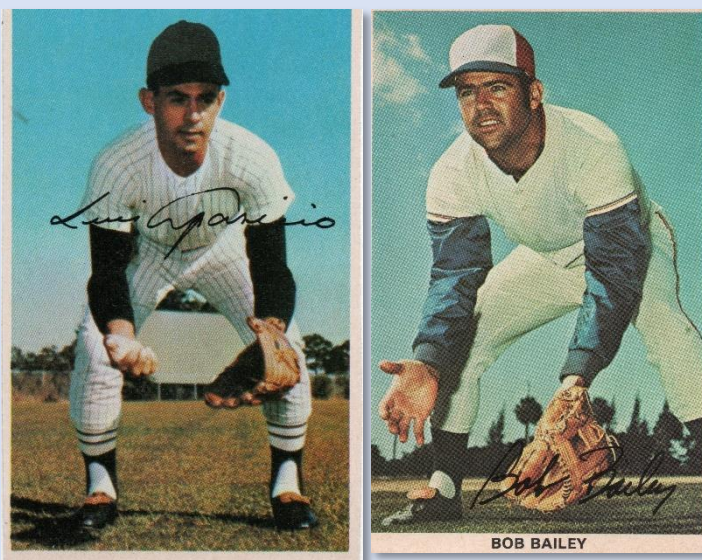


*Leo Durocher endorsed Sylvania TV parts and service in this 1951 postcard. Kahn's came back in the 1970s with a one-off label of Yaz.*

A few vintage examples are 1947 Pleetwood Slacks Jackie Robinson, 1950 Joe DiMaggio Oriental Tour postcard, 1951 Sylvania Leo Durocher, 1954 Colonial Meats Jimmy Piersall, 1955 Motorola Bob Feller, 1957 Charcoal Steak House Ted Kluszewski, 1962 Mickey Mantle Holiday Inn postcard, 1969 Crown Brooks Robinson, 1971-2 Pete Rose and Johnny Bench Lincoln Mercury postcards, 1970s Kahn's Yastrzemski and 1977 Kurland Tom Seaver.

After 1966, the union has handled licensing only when there are three or more active players involved, which thereby continues to allow a single player or two to negotiate their own deals.

### Licensed by players or the union only



Once Marvin Miller joined the union in 1966, the league decided that card issuers would have to get a license from them as well to include team logos and uniforms.

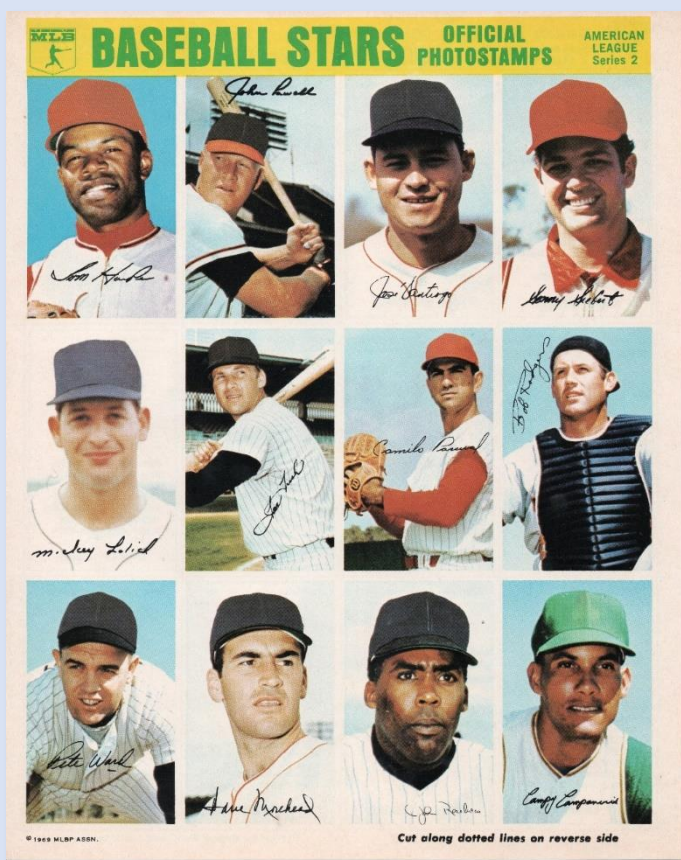
*Issues licensed only by the union after the late 1960s went with the generic look.*

Today, if you want to obtain a group license from the union you just jot down your request and send it to them – with a 13-page summary and appropriate exhibits answering as many questions as you can imagine.

When your application is approved, keep in mind that you get the players in their underwear and not in logo-protected team uniforms. For that you need to go through a similar process with the league for licensing or find someone who is already licensed to get involved since the minimum entry level costs for playing this game can be high and the process complex.

However, the union is interested in pairing up potential sponsors with current licensees, agents and the players. I spoke with Evan Kaplan who is the managing director of MLB Players, Inc., the licensing arm of the players' union. Kaplan explained their current role in trying to facilitate the process, protecting existing licensing agreements and carefully wording new agreements. They also work with the other parties in policing the market for unlicensed products. However, there is no one-stop licensing to get players with team insignias. For that, you need to apply to both the union (or players) and the league.

Many card issuers saved time and money by not getting the logos. The result has been a host of players on cards in airbrushed hats and generic play clothes devoid of any bling.



*1969 photo stamps, licensed just by the union, included 216 players, but zero uniforms.*

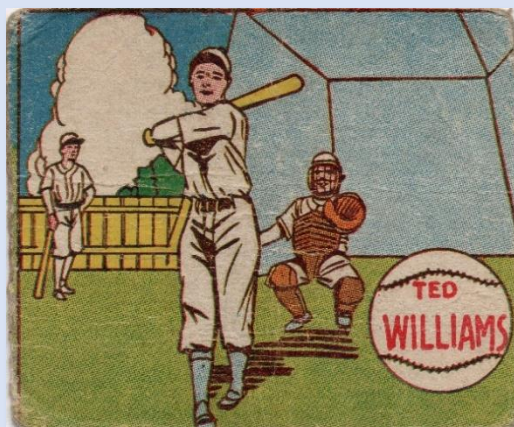
### **Early issues probably not licensed by players or teams**

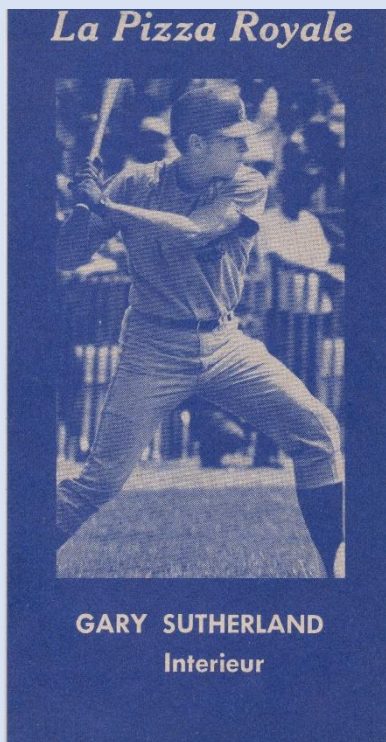
It is hard to tell if and how an issue may have been licensed. Sets of a local team may have been easy enough to get approved by just dealing with the team, whereas issues with star players from many teams may have been a more challenging task. Like the Exhibit Supply Company, small issuers may have purchased photos from photographers and hoped for the best.

Between 1946 and 1949, the Sports Exchange (an early hobby publication) issued sets based on photos from the International News Service. The photos provided by photographers may not have included the rights to further commercial use. The licensing of the 1951 and 1952 Berk Ross cards likely relied on photographer Berk Ross' rights – to the extent there were any. Note that the sets included Musial, Williams, Mantle, Mays, DiMaggio and Johnny Mize.

M.P. & Co. (Michael Pressner and Co.) issued strip cards in 1943 and 1949 of drawings of major league stars. The “images and likenesses” of the drawings to the players (intentionally?) required some imagination. M.P. & Co.’s 1949 issue had three missing numbers – and three unnumbered cards. Johnny Mize was in their 1943 set but not in 1949.

*This M.P. & Co. card was not exactly a spitting image and likeness of Ted Williams, but at least it was a baseball card issued in 1943.*





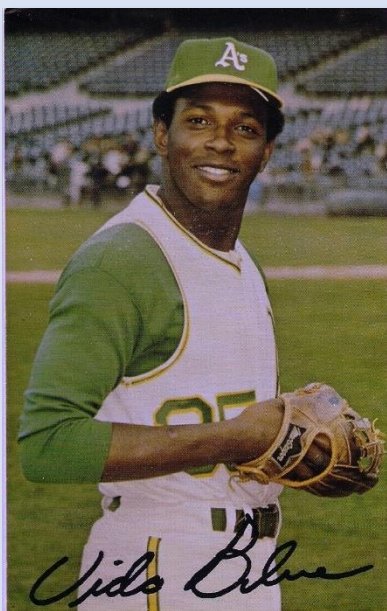
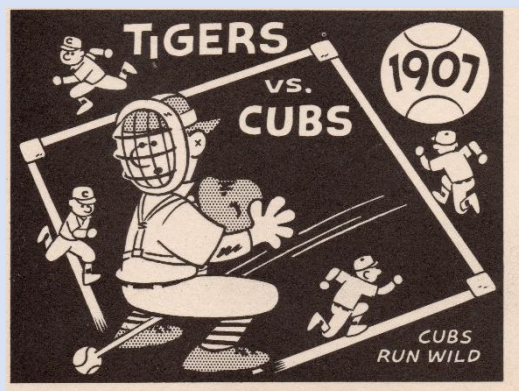
**“Collectors” issues**

This is an all-encompassing category of cards that were probably not licensed even after the 1966 arrival of Marvin Miller. Collector Bob Solon (1923-2009) and his friends, for example, produced sets with creative names of non-existent companies - Fud’s Photography and LaPizza Royale Expos.

Collectors’ clubs and hobby publications, like *Sport Hobbyist*, produced cards to give away at early shows or to subscribers. Shakey’s Pizza cards were produced for the Washington State Sports Collectors Association. Ed Broder produced player cards, coincidentally now known as “Broder’s.”

*Collector Bob Solon and others created unlicensed sets like this LaPizza Royale Expo. Only a few thousand sets were printed and were sold for modest amounts.*

*Cards drawn by Robert Laughlin appeared in 1967 and later led to several sets issued through Fleer in the 1970s using logos but no active players.*



*Doug McWilliams took photos for Vida Blue to respond to his stacks of mail in 1971, which led to doing photos for other players. Some of the resulting postcards were printed in small quantities.*

*The Washington State Sports Collectors Association created sets of retired players in conjunction with Shakey’s Pizza and the Chicagoland Collectors Club ran cards of retired Sox and Cubs.*





Artists and photographers were another source of cards. Charles M. Conlon, J.D. McCarthy, George Brace, Doug McWilliams and Bob Bartosz were among those providing players with photos and postcards to send to fans. Artist Robert Laughlin used cartoons in his baseball art cards which were associated with Fleer at times.

While not explicitly licensed, teams might permit photographers to produce cards for themselves. For example, A's owner Charlie Finley noticed McWilliams was photographing players in A's (trademarked) uniforms, and the cards were circulating around the country. McWilliams said Finley calculated that he was better off staying out of the process since he saved money by not having to produce cards himself for players to use.

### TCMA and SSPC sets

Between 1972 and 1980, TCMA (Michael Aronstein) produced over 80 sets of retired players or then current minor league players. SSPC (Sport Star Publishing Company) issued a 630-card set in 1975. They withdrew from the market because of "legal" issues.

### Foreign issues

In addition to the Topps cards licensed in Canada (O-Pee-Chee) starting in 1965 or Venezuela starting in 1959, there were other cards or stickers originating in Latin America without Topps involvement. Most issues were on thin paper designed to be pasted into albums. Cards and stickers are found today a bit worse for the wear after their years of going into and coming out of albums. One issue included a few Topps cards copied and cropped. Japanese baseball cards are another huge field. Cards of baseball players are also found in international, multi-sport sets including Sportscaster cards.

*Baseball cards and stickers were issued in Latin America and included major leaguers playing winter ball.*



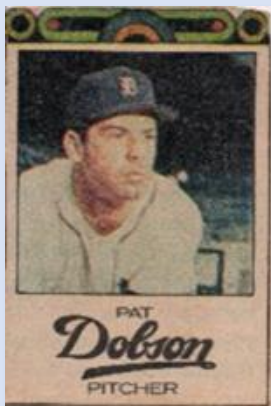
## Non-cards

I found over 200 sets from this era which don't look like cards to me. They may have been licensed by the league, the union or individual players, but they don't fit nicely into my shoeboxes. Some of these were designed not to be legally considered "trading cards." Issues include discs, lids, stamps, photos, pins, drawings, bottle caps, booklets, schedules, records, decals and newsprint. The Coca-Cola bottle caps are in here along with Dixie Lids and a host of miscellany.

The discs are the closest product to trading cards. Most of them were licensed just by the union and suffer from airbrushed hats. Starting in 1976, Michael Schechter Associates (MSA) handled discs for Dairy Isle and a myriad of different sponsors printed on the back.

*Discs for ice cream rolled into a host of union licensed discs thereafter.*

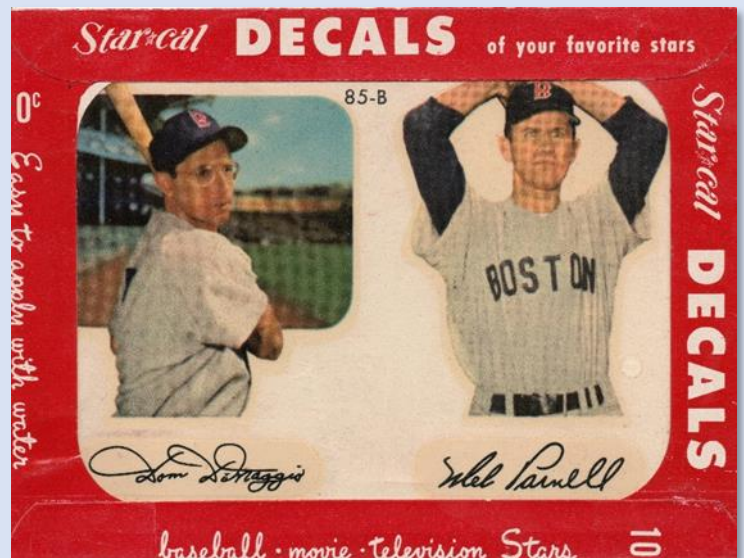
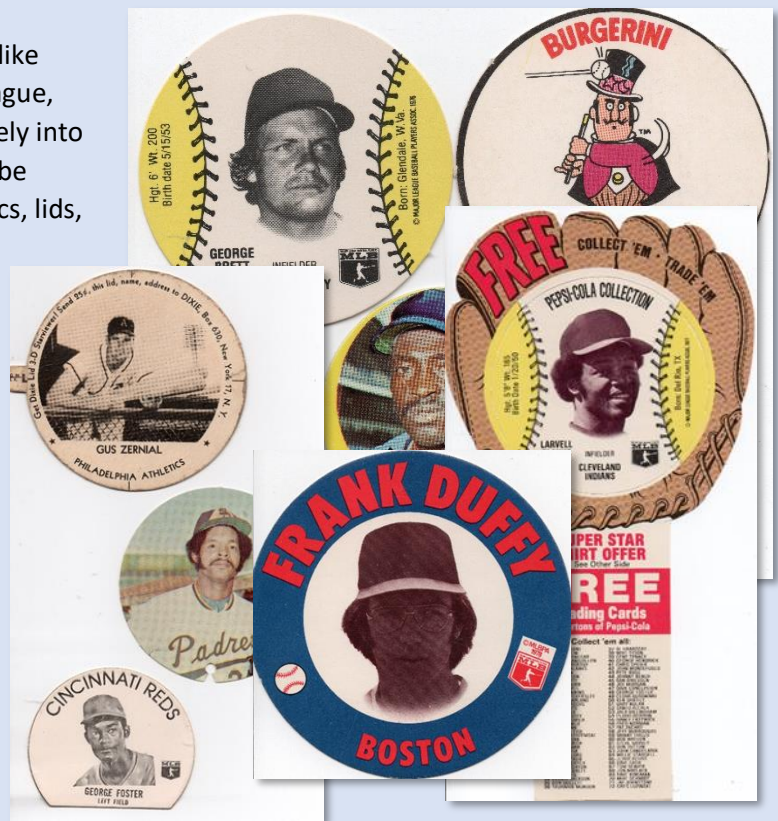
The Meyercord Company of Chicago made decals. In just 1952, it looks like they got carried away and included quality color images of baseball stars (Mantle, Musial, Ted Williams, Jackie Robinson, Mays, Berra etc.) as well as television and movie stars. My guess is that they bought photos to use and didn't seek any further approvals, just like the Exhibit Supply Company which was six blocks away on the same street. I declined an invitation to work on the night shift at Meyercord in the summer of 1964, but by then they were likely out of baseball decals anyway.



Newspaper issues might look exactly like trading cards but are just missing the cardboard. Readers were instructed to paste the newsprint to cardboard, thus participating in the production process.

*The 1968 Detroit Free Press "Bubblegumless" Tigers had everything but the cardboard and gum.*

If you disagree with my logic of non-cards, then these products should move into the various licensing categories.



### **Concluding thoughts**

The entire process of licensing by players, the union and the league can be quite complex, and every oddball card issuer would have a different experience. The process has been different for other sports and the licensing processes and legal protections continue to evolve.

The next time you spot an oddball card, think about the factors involved in satisfying any licensing requirements. The legal issues may tell you why the items look like they do. If you have trouble finding oddballs on your wantlist, you can probably figure out why. If the card is of recent vintage and just dodged any licensing questions, they may be interesting, but not very marketable.

### **Sources and background reading**

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*This article appeared in two parts in the June/July and August/September 2022 issues of Beckett's Vintage Collector. Our thanks to them for allowing us to post the article on the OBC library page.*

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