



Press Release

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Time to stamp out misleading “parasitic” packaging

The number of products packaged in a very similar way to familiar branded products reveals that this misleading practice continues unabated in the UK. The British Brands Group calls on Government’s independent IP review to press for measures to stamp out “parasitic” packaging which misleads shoppers.

Today, the British Brands Group released the latest [examples](#) of products in packaging very similar to popular branded products, to demonstrate the extent of the practice. Gathered from store visits last year, the examples cover a range of products from shampoo to cheese.

The release of this evidence coincides with the end of the consultation on the independent IP review commissioned by Government. In its response, the Group calls for effective tools to stamp out similar packaging when it misleads shoppers. The last review (Gowers Review, 2006) found that brands are not well protected but its recommendation on how to address the problem has yet to be implemented five years later.

Research in 2009 indicated that the more packaging looks like familiar brands, the more likely shoppers are to buy products by mistake and also to think the products all come from the same manufacturer. Shoppers expressed a definite preference for clear packaging which did not mislead.

In addition to duping consumers, similar packaging destroys distinctiveness which is crucial for branded products to stand out from the crowd. The original product also faces increased costs and lost revenue, damaging the ability to invest. Meanwhile, the copy benefits from a reputation it does not warrant, increasing its appeal to shoppers and allowing it to command higher prices.

John Noble, Director of the British Brands Group, said, “At a time when household budgets are under such severe pressure, shoppers must have confidence in what they are buying. People do not want the wool pulled over their eyes. Companies should be able to help both themselves and shoppers by stamping out misleading packaging. In the UK this is simply not possible – a situation which is in stark contrast to most other countries. The Government’s IP review offers a perfect opportunity to rectify this.”

The British Brands Group calls on Government to provide companies with effective tools to make sure products are packaged distinctively. This would result in better informed shoppers and a better environment in which companies can invest - all at no cost to the public purse.

NOTES TO EDITORS

1. In November 2010 the Prime Minister announced an independent review of how the intellectual property framework supports growth and innovation. The review team called for evidence by Friday 4th February 2011 (www.ipo.gov.uk/jpreview)
2. The previous IP review, the Gowers Review in 2006, recognised brands were not well protected from misappropriation and recommended that new legislation on unfair practices be given a chance to work. If they did not do so, the Government should consult on appropriate changes (see [Gowers Review](#), pp 99-100).
3. The legislation referred to in the Gowers Review is the Unfair Commercial Practices Directive, introduced into UK legislation as the [Consumer Protection from Unfair Trading Regulations 2008](#). These include provisions that make misleading packaging unlawful. However, despite strong representations from the British Brands Group, companies were not granted civil rights of action. Instead, enforcement was placed in the hands of such organisations as the Office of Fair Trading and Trading Standards where resources were already over-stretched. The Government promised a review in 2010 which has yet to take place.
4. A major consumer study was undertaken into similar packaging in 2009. The background to the study, a summary of the results and the full report are available at www.britishbrandsgroup.org.uk/pages/parasitic-copying.
5. The British Brands Group was founded in 1994 as a non-profit-making membership organisation. It speaks on behalf of brand manufacturers and seeks to deepen understanding of how brands benefit consumers, society and the economy through the provision of choice, value for money and innovation.

It represents its members collectively when commercial and regulatory issues threaten the ability of brands to deliver value and to be a positive force in society. It also provides the prime forum for its members on brand-related issues.

The British Brands Group is part of a global network of similar brand associations, and is the UK representative of AIM, the European Brands Association, based in Brussels.

For more information and further background briefings on this subject please visit the British Brands Group website: www.britishbrandsgroup.org.uk.

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