



# Press Release

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## **UK Government legislation proposals leave consumers susceptible to copycat packaging**

### **The UK Government has missed the best opportunity in 10 years to protect consumers from misleading packaging**

In its proposal for implementing the Unfair Commercial Practices Directive, the Government has dropped a provision allowing for private prosecution against copycat packaging.

The consultation process that ends today leaves the UK as the only country in the EU without effective means to tackle unlawful copycat packaging.

The UK already stands alone in the EU in not having effective means of tackling unfair competition and by not permitting private prosecutions this situation is exacerbated, directly affecting millions of consumers misled in their purchasing decision by copycat packaging.

The BERR (Department for Business, Enterprise and Regulatory Reform) regulations restrict enforcement to organisations such as Trading Standards and the Office of Fair Trading. These organisations have wide responsibilities, limited resources and the strict need to prioritise cases according to the public interest.

### **The Liberal Democrat spokesperson for business, enterprise and regulation, MP Lembit Öpik commented:**

“If someone stole your share equity, that would be theft. Copycat packaging should be treated as theft also”

### **John Noble, Director, British Brands Group said:**

“By dropping the Unfair Commercial Practices Directive’s provision for private prosecution, the UK government has failed to ensure the high level of consumer protection intended by the EU – consumers continue to be left susceptible to copycatting”

Look-alike or copycat packaging emulates key elements of the presentation of familiar and trusted branded goods. The use of these distinctive features misleads consumers into believing that the look-alike actually is the brand or is connected with the brand manufacturer.

Research has demonstrated that around 20% of people have bought a copycat product accidentally and 30-50% people believed that there is a link in “brand quality” between similarly packaged products. These figures suggest that over 14 million households have been affected by the problem.

The Brands Group Limited  
8 Henrietta Place London W1G 0NB  
Telephone 07020 934250 Facsimile 07020 934252  
Registered in England and Wales No 5660494  
Registered Office as above

[www.britishbrandsgroup.org.uk](http://www.britishbrandsgroup.org.uk)

**The voice for brands**



*An example of look-alike packaging on sale in the UK*

On 29 May, the then Consumer Minister, Ian McCartney MP, launched a three-month consultation on the Unfair Commercial Practices (UCP) Directive. The DTI (now BERR) pitched its implementation of the directive as set to “benefit millions of people in a government crack down on aggressive and unfair trading and selling practices”.

The Directive has two main objectives:

1. To achieve a high level of consumer protection by introducing safety net EU consumer protection legislation prohibiting traders from dealing with consumers unfairly (a "general duty" not to trade unfairly); and
2. To harmonise Member States' existing national rules to encourage more cross border sales.

### **The British Brands Group**

The British Brands Group was founded in 1994 as a non-profit-making membership organisation. Its primary role is to speak out authoritatively on behalf of brand manufacturers and represents them collectively when commercial and regulatory issues threaten both their value and their ability to be a positive force in society.

While the Group’s work focuses primarily on UK policy makers, it also works hard at deepening public understanding of how brands benefit consumers, society and the economy through the provision of choice, value for money and innovation. The Group 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](http://www.britishbrandsgroup.org.uk).

### **For more information, please contact:**

Jo Sheldon  
Mark Lever

[Jo.sheldon@edelman.com](mailto:Jo.sheldon@edelman.com)  
[Mark.lever@edelman.com](mailto:Mark.lever@edelman.com)

020 7344 1243  
020 7344 1506