



# Press Release

Tuesday 5<sup>th</sup> February 2008

## **The UK Government fails to act on the best opportunity in 10 years to protect consumers from misleading packaging**

Today, the British Brands Group (BBG) said that it is deeply disappointed with the Government's decision not to allow for the right to private civil enforcement in the implementation of the Unfair Commercial Practices Directive as outlined in its response to the consultation on draft consumer protection from unfair trading regulations.

The full Government response can be read at: <http://www.berr.gov.uk/files/file44300.pdf>

The British Brands Group added, "the UK Government has missed the best opportunity in 10 years to protect consumers from misleading packaging. We now call on the OFT and Trading Standards to demonstrate that they have the capacity to deal with cases of misleading packaging in a prompt and efficient manner and that this serious consumer issue will be given necessary priority by these departments."

The BERR (Department for Business, Enterprise and Regulatory Reform) decision to drop the right to private civil enforcement under the UCP Directive leaves the UK alone in the EU as the only country not having effective means of private action against misleading packaging. This directly affects millions of consumers misled in their purchasing decision by copycat packaging.

The UK government has failed to provide the high level of consumer protection intended by the Commission as a common standard across Europe.

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.

The BERR regulations restrict enforcement to organisations such as Trading Standards and the Office of Fair Trading (OFT). These organisations have wide responsibilities, limited resources and the strict need to prioritise cases according to the public interest. This BERR decision to exclude the right to private civil enforcement will also mean that the taxpayer will now have to foot the full bill for any prosecutions undertaken by Trading Standards or the OFT.

The British Brands Group was one of a number of organisations calling for private actions under the UCP Directive. Other organisations included: PI Global, The Alliance against IP Theft, The Scotch Whisky Association, BP, Lovells and The Packaging Federation.

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

“The Unfair Commercial Practices Directive presented the best opportunity in 10 years to stop competitors using copycat packaging to mislead consumers. The Government’s decision to not allow private civil enforcement under the UCPD means that the duty now firmly lies with the OFT and Trading Standards to prevent consumers being misled by copycat packaging. If they fail to do so, consumers will not receive the high level of protection promised by this legislation and the Government.”

**Mark Prisk MP, Conservative Shadow Minister for Small Businesses stated:**

“By refusing to allow private civil enforcement, the government has placed the burden of enforcement on its own already stretched agencies, increasing bureaucracy and contradicting its aim of reducing red tape”.

**Mervyn Kohler, Director Public Affairs, Help the Aged said:**

“As a consequence of poorer eyesight, older people may be more confused by copycat packaging. Most older people know what they want and what works for them, and there could be risks from allergies or other medical conditions if they accidentally make the wrong choice of a food product.”

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.

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



## NOTES TO EDITORS

### **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:**

Mark Hadley  
Mark.hadley@edelman.com  
020 7344 1544

Jo Sheldon  
Jo.sheldon@edelman.com  
020 7344 1243