



SPOT THE DIFFERENCE

- BIG BRAND OR SUPERMARKET EQUIVALENT?

A fifth of Which? members say they've accidentally bought a supermarket version of a product thinking it was the big brand's label on the pack - can you spot the difference?

Have you ever got your shopping home, only to find that the well-known branded product you thought you'd picked up was actually an own-label lookalike? A fifth of Which? members have done this at least once, and given the profusion of own-label 'copycat' products, that's hardly surprising.

In our latest investigation, we found more than 150 own-label products in supermarkets and shops selling cosmetics that we think borrow elements of their packaging from branded competitors. Sometimes these similarities are subtle

- but in other cases, we think there's such a close resemblance that it would be easy to pick up the wrong product by accident.

WHAT WE FOUND

We uncovered products in Aldi, Asda, Lidl, Morrisons, Sainsbury's and Tesco that appear to borrow from leading brands. Typically, these were in categories where there are well-established and distinctive brands, such as crisps, biscuits and butter. Some brands - such as Lurpak - seem to have a recognisable own-label imitator in most major supermarkets.

Imitations are also common with toiletries. As well as the supermarkets, Boots and Superdrug both have products that look very similar to leading brands.

We challenged a panel of Which? members to spot the difference between similar-looking products by removing the brand names. We also wanted to find out whether supermarket products can match up to brands on taste - see p24 for more.

OWN-LABEL APPEAL

With 75% of UK adults worried about food prices, according to Which? research,

advertising campaign - featuring the slogan 'Like brands, only cheaper' - played on this.

However, where there's confusion between own-labels and brands, own-label products are looked upon less favourably. Of those Which? members who bought an own-label product by mistake, 38% were annoyed by this, and 30% felt misled.

A PROBLEM FOR BRANDS

There's a lot in it for retailers that 'copy' brands, according to John Noble, director of the British Brands Group, an organisation that represents brand manufacturers. 'Our research shows that consumers are more likely to buy own-label products if they look like brands.' He also believes that retailers can charge more for lookalike products.

Noble says that 'copying' has become more prevalent, and sees it as a significant problem. 'Brands survive by being distinctive and standing out, and retailers are free-riding on brands' reputations.

'Currently in the UK there is little to stop a competitor packaging its product to look like a familiar brand, whether or not the product's performance is in any way

EXPERT VIEW

How retailers imitate brands

Mark Shayler |
Packaging consultant



Own-label products can mimic or echo established brands by 'borrowing' elements of the

packaging, such as colour, shape, tone of voice or typeface - or sometimes all four.

Colour and shape are the two elements of packaging that consumers pay most attention to, as they're the first things they notice about a product and allow them to quickly recognise an item when they're in a rush. Colour and shape are also the easiest elements to recall from memory, so the most effective imitations borrow from both of these.

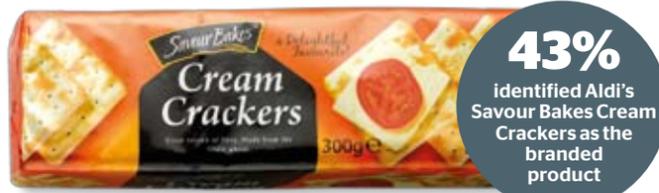
Aldi's cream crackers (p24) are a great example of this - the colour is almost identical to that of Jacob's, and consumers associate orange with Jacob's crackers. The Aldi packaging uses lots of diamond shapes - in the positioning of the crackers, the product logo and name, and the different shades of orange in the background - just like Jacob's does.

Some of the similarities are obvious, while others are very subtle. Lidl's chocolate digests have similar colours to McVitie's (pictured), they both have a picture of a biscuit with a bite out of it, and the font is very similar, right down to the angle of the writing. But less obvious is the fact that the Lidl digests use an oat motif, like McVitie's, and frame the logo in the same way. Sainsbury's Olive Spread (pictured) doesn't try to imitate Bertolli's name or font, but if you look carefully you'll see that both packs feature very similar-looking houses, each with tall trees outside.

Retailers use this 'copycat' packaging to reassure customers that their product is of a similar quality to the brand leader. There's also the possibility of confusing customers so that they buy the own-label product instead. This may not be the retailer's intention, but it could certainly be a happy side effect for them.



50%
correctly identified Jacob's Cream Crackers



43%
identified Aldi's Savour Bakes Cream Crackers as the branded product



84%
correctly identified Head & Shoulders for Men



7%
identified Boots Anti Dandruff Shampoo for Men as the branded product



50%
correctly identified Sarson's Malt Vinegar



40%
identified Samson's Malt Vinegar (sold in Lidl) as the branded product

AN OBVIOUS IMITATION?

We showed four branded products alongside their own-label imitators and asked Which? members to identify the brand. The catch? We removed the names of the products.

More than a third of respondents mistakenly identified at least one of the own-label products as the branded version, demonstrating that it's easy to get brands and own-labels mixed up if you don't read the label carefully.

Figures exclude those who answered 'don't know'



64%
correctly identified Clairol Herbal Essences



13%
identified Boots Fruit Essence shampoo as the branded product

Do brands taste better?

Supermarket products might look just like their branded equivalents, but do they taste as good? We conducted a series of blind taste tests to find out which people prefer – as you can see from our results (right), branded products came out top in two out of the three tests. Each pair of products was tasted 20 times.



70% vs **30%**
'More oaty and a fuller flavour' (McVitie's Hobnobs)



45% vs **55%**
Pringles Original vs Tesco Chipz Original



15% vs **85%**
'Very vinegary...an unpleasant aftertaste' (Asda's Beastie Bites)

Copycat products on trial



Penguin vs Puffin bars
Asda's Puffin chocolate bars were ruled to be a copy of Penguin bars in a 1997 court case. Asda was found guilty of passing-off, but was allowed to continue selling Puffins on the condition that the packaging was changed.



Pimm's vs Pitchers
Pimm's owner Diageo began legal proceedings against Sainsbury's in 2009 over the supermarket's lookalike drink Pitchers. The case was settled when the companies came to an agreement over new packaging for Pitchers.



Cadbury trademarks Dairy Milk purple
Cadbury trademarked the particular shade of purple it uses on Dairy Milk bars in 2012, despite the objections of rival Nestlé. That shade can now be used only on Cadbury milk chocolate bars and drinking chocolate.

similar. That can't be good if we want a market in which shoppers can make informed decisions at speed.'

RETAILERS' VIEW
Retailers, unsurprisingly, take a different view. When we contacted the shops featured here, they said they were confident that consumers weren't being misled and could tell the difference between branded and own-label products.

Boots said that colours can be synonymous with certain active ingredients and so can help consumers find the right product. Morrisons and Superdrug said that customers are used to certain products being in a specific colour scheme, and so retailers use the same colours to help customers quickly find products. Aldi also said that it uses colours and iconography that are common to a particular category, to help customers find products.

WHAT THE LAW SAYS
Legal claims against copycat products can be brought under one of several laws. But trademark and copyright claims are very difficult to bring, according to Noble: 'Retailers can look at what's been trademarked or copyrighted, and adapt their designs so they don't fall foul of that.'

Passing-off is another option, if the brand can prove that the retailer is attempting to present their version of the

product as the branded one, through brand name, trade description, or individual features of labelling or packaging.

Consumers and brands are also protected by the Consumer Protection from Unfair Trading regulations (CPRs), which say that traders can't deliberately mislead consumers into believing that a product is made by a different manufacturer. But it's up to trading standards to decide whether to take action under the CPRs, and such action is rare because it's hard to determine whether there was a deliberate intention to mislead consumers.

WHICH? SAYS
Own-label equivalent products can be a good thing – they're typically cheaper, so you can weigh up whether the quality of the own-label is close enough to the real thing to make it worth the saving. Which? testing has uncovered several own-label Best Buys that have topped our tests, such as champagne and balsamic vinegar from Sainsbury's, mayonnaise from Lidl, and washing-up liquid from Aldi.

But some products walk a fine line between suggesting a similarity with an established brand and confusing consumers to the point where they end up buying the wrong item by accident.

Have you spotted any products that you think cross that line? Join our conversation at www.which.co.uk/copycat.

YOUR VIEWS

Which? members share their opinions on 'copycat' own-label packaging

“Some own-brand items are just as good as the originals and some are terrible by comparison – it varies. The only way to find out is to try them.

“I think Aldi's packaging tends to mimic the market leader. I don't know why it bothers. Its own-label products are generally good quality and excellent value for money.

“It's always worth trying an own-brand product at least once. If it disappoints then don't buy it again.

“I think the supermarkets are piggy-backing on the brand investment by manufacturers in a very unfair way.

“Own-brand products should be distinctly marked to display that they are own brand. To use the same colours, images and shapes on the outside packaging as the market leaders to me is blatantly confusing the consumer.

“I think it is fine for supermarkets to sell own-brand products, but they must be clearly labelled.

“Having worked where branded products are rebranded as supermarket own-labels, I found that some are the same, while others have cheaper ingredients. I think all supermarket-branded products should say who they were produced by. But I would rather have a better choice of branded products than see them being replaced by cheap, supermarket-branded ones.

OUR RESEARCH

We surveyed 2,244 Which? members about 'copycat' packaging in February 2013, and have included a selection of their opinions about this in the column above.