



# PEPSICO

EUROPE

Consumer and Competition Policy  
Department for Business Innovation and Skills  
1 Victoria Street  
London  
SW1H 0ET

Attention: Ana de Miguel

By Post and email: [CPRs.copycat@bis.gsi.gov.uk](mailto:CPRs.copycat@bis.gsi.gov.uk)

19 May 2014

Dear Ms Miguel,

**Review of the enforcement provisions of the Consumer Protection from Unfair Trading Regulations 2008 in respect of copycat packaging**

We write in relation to the Department's consultation in relation to granting companies private enforcement rights under the Consumer Protection from Unfair Trading Regulations (CPR's).

PepsiCo is the second largest food and drinks company in the world and in the UK PepsiCo has more than 20 market-leading brands, including well-known household favourites such as Walkers, Pepsi, Tropicana and Quaker, as well as Naked, Sunbites, Copella, SoBe V Water and Snack a Jacks. In addition PepsiCo in the UK and Ireland employ over 5,000 people across 13 UK sites.

PepsiCo has experienced a number of incidents of what we believe to be deliberate copying of our products by third parties over many years. This copying goes beyond simple generic cues to closely resemble the packaging of our original products and we have not, to date been successful in taking legal action to prevent such copying partially due to the need to show consumer confusion to and the high standard of evidence of such confusion required by the court.

We are not aware of any public enforcement of the CPR's in the UK and there has certainly been none in relation to any of the PepsiCo brands.



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We consider that private enforcement rights of the CPR's would be helpful to PepsiCo in the context of parasitic copying because the CPR's envisage a right to take action in respect of copying where it gives rise to consumer confusion over quality or equivalence in addition to the other types of confusion. We believe that the evidence for this broader scope of confusion will prove simpler to obtain and will therefore give brand owners a realistic opportunity to take effective action to protect their brands from parasitic copying.

We therefore welcome the Department's consultation and support the granting of private enforcement rights under the CPR's to brand owners who have been damaged by this type of unauthorised copying.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Victoria West', written over a large, stylized circular flourish.

Victoria West  
Senior Legal Director  
PepsiCo UK and Ireland