



INFLUENCE AT WORK

The Psychology of Lookalikes:

How consumers are influenced by packaging in a supermarket environment.

A Review of the Literature

Ipsitaa Khullar, Sebastian Roca and Steve Martin.

INFLUENCE AT WORK (UK) Ltd.



Commissioned by

stobbs

Intangible Asset
Management

Contents

About INFLUENCE AT WORK	4
About the authors	5
Executive Summary	6
Preface from Stobbs	9
Introduction	12
I. Lookalikes	15
Definition	15
The Prevalence of Lookalikes in the UK Market	15
II. The Influence of Lookalikes on Consumers	17
Three Key Insights	19
I. Consumers do not always make considered decisions	20
Not all thinking is equal	20
A. Situational factors	22
i. Supermarket Context	22
ii. The Range and Nature of Goods	24
iii. The Role of Comparisons	24
iv. Social Pressure	25
v. Shelf Position	25
B. Cognitive biases and their effect on consumer behaviour	26
i. Anchoring Bias	27
ii. Familiarity Bias	28
iii. Bottom-Dollar Effect	30
iv. Post-Purchase Rationalisation: Preserving a sense of self	30
II. Consumers prioritise colour, shape, and packaging over brand names	32
A. Colour	34
B. Shape	37
C. Brand Images	40
D. Signals of taste and flavour	40
E. Name	41
III. Consumers' perception of a product is impacted by its packaging	43
Conclusion	46
References	48



About INFLUENCE AT WORK

INFLUENCE AT WORK (IAW) is the consulting and advisory group of world-renowned behavioural science researchers and authors Professor Robert Cialdini and Steve Martin. Authors of several books – including the seminal works *Influence – The Psychology of Persuasion* and *Yes! 50 Secrets from the Science of Persuasion*, which have sold in excess of 7.5 million copies in 36 languages – they have shaped and informed much of today's application of influence science.

IAW's award-winning research and insights have been rated as Breakthrough Ideas for Business by the Harvard Business Review. They are taught on executive programmes in business schools around the world and have attracted the interest of world leaders, policy makers, senior executives, and business professionals.

We hold ourselves to high standards and support the ethical use of behavioural science and its insights. We are a founding member of the Global Association of Applied Behavioural Scientists (www.GAABS.org).

About the authors

Ipsitaa Khullar.

Behavioural Science Associate

Ipsitaa holds a bachelor's degree in Economics and Psychology (with Distinction) from Yale University where she was also awarded the V. Browne Irish Prize for excellence in performing arts. She also holds a master's degree in Behavioural Science from the London School of Economics.

Ipsitaa has served as a consultant for the Indian Centre for Social and Behaviour Change, designing responses for government health ministries and partners to address the COVID-19 pandemic. She has experience working across a wide variety of consumer and behaviour change contexts including hospitality and financial services, as well as conservation and climate change projects across the world. She is a member of the Global Association of Applied Behavioural Scientists. Bi-lingual, she speaks English and Hindi.

Sebastian Roca.

Behavioural Science Associate

Sebastian holds a master's degree in Behavioural Science from the London School of Economics and a Professional Title in Law (with Distinction) from Pontificia Universidad Catolica del Peru, where he was also awarded the faculty award for a behavioural law thesis on the role of emotions in Peruvian legal education.

A qualified solicitor in Peru, he has considerable cross-industry experience working in environments on complex projects that require a unique dual perspective on both the law and consumer psychology. Sebastian speaks English and Spanish.

Steve Martin.

CEO. Faculty Director of Behavioural Science, Columbia Business School (Exec. Ed.)

A Royal Society nominated author in the field of influence and persuasion science, Steve is co-author of several best-selling books including *Messengers* and *Yes! 50 Secrets from the Science of Persuasion*, a New York Times, Wall Street Journal and Business Week bestseller. His books have sold in excess of 1.5 million copies and been translated into 27 languages.

His work applying behavioural and consumer science to business and public policy has been featured in the academic, national, and international press including Nature, the New York Times, BBC TV & Radio, The Times, Washington Post, Financial Times and Time magazine.

Steve is Faculty Director of Behavioural Science (Exec. Ed.) at Columbia Business School and a guest lecturer on MBA and Senior Exec. Ed. programmes at the London School of Economics and Harvard. He is currently Chair of the Global Association of Applied Behavioural Scientists.

Executive Summary

This report examines the comprehensive body of consumer and broader behavioural science research on lookalike (copycat) products and their impact on consumers. Although the focus of this report primarily concerns Fast-Moving Consumer Goods (FMCG) in a UK supermarket context, its findings are equally applicable and relevant to brand owners in other sectors and geographies who experience the challenge of dealing with copycat products.

A consistent theme emerges from the research. Even though extant evidence consistently reveals how consumers are influenced by lookalike designs, even in ways which they are not actively aware of, this is not always the prevalent view in markets and the judicial system. The commonly held belief that consumers are not materially influenced by lookalikes and, subsequently, are not influenced by similar packaging designs between copycats and the brand leader is misguided. Consequently, scientific insights from consumer psychology, behavioural economics and neuroscience should be given their proper weight when considering and understanding how consumers interact with lookalike products.

This report is structured as follows.

1. We define what a lookalike is and establish the scale and pervasiveness of lookalike products in the UK market.
2. We explore how consumers are influenced by lookalike packaging and consider three key insights arising from the research which fundamentally impact consumer decision-making.
 - a. We present evidence demonstrating how a supermarket is a cognitively hyper-overloaded environment that is ripe for the type of automatic, trigger-loaded human decision-making that lookalikes thrive upon. We'll discover that when making fast, impulsive choices, consumers are not fully aware of their own decision-making processes.
 - b. We reveal that despite undue weight previously being given to the idea that product names constitute the most important feature influencing consumer decision-making, decades of consumer and behavioural science research demonstrate they simply are not. The colour, shape, and brand image of the packaging design are far more influential to the consumer, overriding the product name when reflexively choosing a product, particularly when in the stimulus-saturated, often stressful supermarket environment where decisions are made.
 - c. We explore the research suggesting that even where consumers are not confused by lookalikes, the adoption of similar packaging has a significant impact on their perception of the underlying product quality and value.

This report makes three key conclusions:

Consumers' decision-making when purchasing lookalikes is affected by a host of subconscious biases.

Features such as colour, shape, and brand image need to be given their due weight when assessing lookalike products and the reasons why a consumer is influenced to purchase them.

Lookalike packaging positively impacts consumers' views of the underlying product, enabling supermarkets to charge higher prices versus non-lookalike own-branded products.



Lookalikes are a multi-billion GBP feature in the FMCG sector and beyond

They are a core part of some supermarkets' business model: with up to 50% of private label brands possessing features of the original

Research from behavioural science and consumer psychology reveals how we need to think differently about the influence of lookalikes on consumers

Consumers don't always make considered decisions

Situational factors: – such as stimulated environments, the vast range and nature of goods on display, the social pressure of other consumers, the availability of comparisons and even product shelf position can have a large impact on consumers' decisions and are frequently outside of their conscious awareness.

Psychological factors: – the reliance on fast, automatic thinking (System 1 versus System 2) can result in mental shortcuts and biases influencing decisions. Examples explored in this report include:

- **Anchoring effects**
- **Familiarity**
- **Bottom-dollar effects**

Consumers prioritise colour, shape, and packaging over brand names

Brand names are the least important product attribute in the hierarchy of consumer familiarity and choice.

Research shows the order is:

In order:

A. Colour

B. Shape

C. Brand images

D. Signals of taste and flavour

E. Name

Consumers' perception of a product is impacted by its packaging

The more similar to an original, the more consumer perception is positively influenced across multiple dimensions including:

- **Price/Value**
- **Quality**
- **Intended Use**
- **Value for Money**

This enables supermarkets to charge higher prices for lookalikes versus non-lookalike own-branded products

A better understanding is needed of...

...the situational and psychological context of how consumers make decisions

...the real drivers of brand recognition in the eyes of consumers

Preface from Stobbs

The definition of “counterfeit” is interesting:

counterfeit

adjective

Made in exact imitation of something valuable with the intention to **deceive** or **defraud**.

“counterfeit Rolex”

Similar: copied, feigned, imitation, pseudo, simulated, substitute

Opposite: genuine

Counterfeits offer better value for money to customers in cash-strapped times. A counterfeit Rolex is much cheaper than a genuine Rolex. A counterfeit offers more choice to consumers and encourages competition. Because of the price tag, no one is going to confuse a counterfeit Rolex with a genuine Rolex (despite the fact it sets out to appear identical to the original). These are also arguments that supermarkets run in favour of lookalike products, yet the same arguments do not wash with consumers for counterfeits. Everyone knows that counterfeits are bad, criminal in fact. Nobody defends counterfeits.

So why do these arguments gain traction for lookalikes? The answer is clever marketing and sleight of hand by supermarkets such as Aldi and Lidl (they are not alone, but they are serial offenders). Through humour in social media, lookalike supermarkets have managed to persuade many consumers that lookalikes should be accepted as a bit of harmless fun. Their mantra to their product designers is to create something which looks “the same, but different”. They are definitely not counterfeits; they are lookalikes. Look, they even have a different brand name. They are copied, feigned, imitations, pseudo, simulated and substitutes, but they are definitely not counterfeits. That is the clever marketing.

The sleight of hand is that supermarkets charge more for lookalikes than they would otherwise be able to charge for the same product in neutral packaging. Why? Because of the deliberate association with leading brands, which encourages recognition and confidence amongst consumers in the lookalike product, which would otherwise take years to build in neutral (or, perish the thought, original) packaging.

Lookalikes are no better than counterfeits. Yes, lookalikes are not criminal. But they are free riding on and taking unfair advantage of the brand equity which leading brands have spent years to establish with significant R&D, marketing and advertising budgets.



The general acceptance of lookalikes, in many cases by major brand owners themselves, is often on a mistaken basis – namely, that nothing can be done about them because consumers are not confused (“the same, but different”). This is not the case. Whilst confusion is certainly very difficult to establish at an acceptable level to persuade a court, there is another legal route, often overlooked, which is to sue for taking unfair advantage of trade marks with a reputation. Arguably there should be better protection for brands than having to sue; but unlike for counterfeits, there is no criminal offence for lookalikes.

In this report, commissioned by Stobbs, INFLUENCE AT WORK conducts a literature review and draws together behavioural, consumer, and neuroscience research to explain the forces at work with lookalikes in manipulating the brain and influencing consumer behaviour.

The courts determining intellectual property cases require the Judges to put themselves in the position of the notional consumer. In a September 2022 judgment of the High Court in the case of AU Vodka v NE10 Vodka Limited, the court made some strikingly firm (but wrong) observations about how consumers react to packaging:

Shape is not distinctive in the trade mark sense of indicating origin. The proprietor...puts distinctive word marks on the label and it is these marks which serve to indicate origin, at least until many years of use have been built up.”

“...generally, consumers are not in the habit of making assumptions about the origin of products on the basis of the shape of goods in the absence of any graphic or word element.”

“...it is unusual for consumers to rely upon the appearance of a product alone (as opposed to its name) as indicating trade origin.”

Such observations are perhaps unsurprising given that the current IP Judges “grew up” at a time when trade marks were mainly about words, but consumer behavioural science, as summarised in this report, has moved on significantly since then. In fact, words and names are the least important brand element when consumers see and recognise packaging. Colour, shape and artwork are all proven to be more important indicators of origin than names.

This is perhaps common sense to all but trade mark lawyers. Imagine, for example, that you are meeting your mum at a crowded train station. It's rush hour. How do you pick her out from the throng?

Is it because:

1. You spot her face amongst hundreds of strangers?
2. She is wearing a name badge that says 'MUM'?
3. She is wearing the same red bobble hat she always does?

Mental shortcuts (heuristics) ensure you see that bobble hat from miles away. Colour is the easiest shortcut for the human brain. Her brand name (MUM) does not help you identify where she is.

Amongst all of the chaos and noise of supermarket shelves, packaging works in a similar way. You are drawn to the colour schemes you recognise, without having to read anything at all. That is why Aldi/Lidl lookalikes draw you in before seducing you with a comparatively lower price. They are taking unfair advantage, in trade mark terms, of well-known packaging. Product/package recognition takes years of marketing expenditure to achieve, unless you are a parasitic piggy-backer and expect it for free.

A deeper understanding is, therefore, crucial by brand owners, lawyers, and judges of how consumers actually behave when faced with lookalikes. Indeed, consumers themselves often don't understand the influences on their own purchasing decisions. There is a wealth of research available on the subject, but such research rarely makes its way into the court rooms. We hope this INFLUENCE AT WORK report will correct these shortcomings and aid a deeper understanding of the psychology of lookalikes.



Geoff Steward
IA Director, Stobbs



Introduction

For an organism that possesses little in the way of a brain cortex, the common firefly (*Photinus pyralis*) has some pretty impressive smarts. By copying a unique blinking routine and adapting its colour to appear similar to others, it is able to signal to potential mates its readiness to breed. But peril awaits those enticed by this persuasive ploy. Far from flying into love's embrace, the unsuspecting victim realises, rather too late, that a feared enemy has played a rather deadly trick on them. *Photinus* is simply a clever copycat. Its ability to pass itself off as a "similar other" is merely a ruse to create an unfair advantage over its unfortunate prey.

The persuasiveness of mimicry is well known to ethologists, who study the behaviour of animals in their natural environments. These scientists view mimicry as a way to exploit what are known as "fixed-action" patterns. Fixed-action patterns are procedures or behaviours that can be reliably triggered by the existence of a single feature in a context or situation. In the case of *Photinus*' ill-fated victim, its fixed-action pattern is to advance toward something that is apparently similar to itself.

To its ultimate detriment.

It is surely no mystery why mimicry has proven to be such a common strategy for simple, relatively unsophisticated creatures in the animal kingdom. To parody, imitate and copy is an efficient, easy, and effective way to influence prey. But surely such strategies won't work in the retail and consumer world? After all, humans are much more erudite. Aren't they? But as this report demonstrates, probably not as much as one might first think.

It is a fact that humans, too, are subject to the powerful forces of the automatic response. This is only set to increase. The complexity and rapidity of a modern day, increasingly connected world, where information and stimulus can feel overwhelming, requires frequent reliance on our fixed-action patterns. The alternative would be exhausting.

Often, our fixed-action patterns serve us well, acting as shortcuts to generally accurate decisions. But they also have the potential to guide us poorly: especially when we don't have the available time or mental bandwidth to validate them adequately. Take, for example, the case of a tyre retailer who, because of a printing error, published a series of discount coupons offering a zero per cent (0%) discount. One would expect potential consumers to notice the error and react accordingly. Yet the retailer reported no reduction in the number of customers arriving at their premises to claim their "non-discount" (Simonson, 1992). It is important to notice how people weren't reacting to the specifics of the offer. The detail was something they invested little to no time in understanding. Instead, they reacted to something broader. The presence of the coupon. On seeing a printed coupon, a fixed-action pattern was activated: "*If there's a coupon, that must mean there's a discount.*"

People's reaction to a specific feature of a product or offer, rather than its whole, is crucial to understanding how our fixed-action patterns can lead to us making different decisions to those we might intuitively expect. The example of the 0% discount coupon, and *Photinus*' blinking and colour-changing antics, tell the story as to why.



Neither are good propositions. But, on the surface, they seem like good propositions. This phenomenon is primed to arise in scenarios when our information-overloaded, stimulus-saturated world doesn't allow us the luxury of looking again.

Ethologists have identified how, in the struggle for survival, many life forms will adopt the role of the mimic. By signalling certain familiar features, they can influence the behaviours of their prey to effect an advantage. We shouldn't be surprised, therefore, when parallels emerge in people. In this report, we explore how mimicry can be used in a commercial setting to influence consumer behaviour and purchasing decisions.

Our report explores the underlying psychology and neuroscience of why mimicry is effective and under appreciated. Importantly, we highlight a considerable knowledge gap in how and what we expect consumers to react to, and the reality. For example, this report finds that colour and shape are more influential than product names when it comes to consumers' decision-making around whether a product is what it claims to be.

In the 1987 novel, *The Hitchhiker's Guide to the Galaxy*, the English author Douglas Adams famously parodied a form of abductive reasoning titled the duck test. If it looks like a duck and swims like a duck, then it's a duck. Except often, it's not a duck at all.

As this report concludes, it is exactly this kind of deep-seated consumer decision-making the copycat sets out to exploit.

I. Lookalikes

Definition

All of us encounter lookalikes. In the case of consumer products, lookalikes are defined as

“products that significantly resemble the overall appearance of well-known brands by combining the distinctive visual features that are inherent to the original product”

(Falkowski et al., 2015).

Distinctive visual features include some or all of the following: label shape, colour, style, design, size and shape. In replicating these features, the lookalike may signal to a consumer that it possesses the same quality, source of innovation, and set of values as the original brand (Burt & Davis, 1999).

It is important to distinguish between counterfeit brands and product lookalikes, or copycats. Whereas the former attempt to appear identical to the imitated brand (e.g., a fake Omega watch), copycat brands deliberately try to look similar but not identical to the imitated brand (Zaichkowsky, 2006).

The Prevalences of Lookalikes in the UK Market

Lookalike products are ubiquitous in the UK. Particularly so in the Fast-Moving Consumer Goods (FMCG) sector, which includes food, personal care and other high-volume, regularly purchased products (Francis, 2009).

- Researchers estimate over 50% of own-brand products in supermarkets possess features of the original brand included in Falkowski's definition (van Horen, 2010).
- Lookalikes have become a rapidly growing phenomenon, with 42% of all private-label brands attempting to emulate the packaging design of the market leader (Coelho do Vale & Verga Matos, 2015).
- Describing mimicry's ubiquity, research notes how copying national brand packaging is “common practice” and a “known fact” by store brands, especially in discount supermarket settings (Steenkamp & Geyskens, 2014).

The scale of lookalikes in the UK market is enormous:

- In 1998, Interbrand estimated lookalikes amounted to 2% of the UK supermarket industry – equating to £1.5 billion per year. It is a statistic that should be interpreted with caution, as it is two decades old and the original data were likely to be a severe underestimate of the reality (**Johnson et al., 2013**).
- In 2013, a Consumer Magazine report identified more than 150 examples of lookalike products (**Holmes, 2017**).
- A 2022 report by the British Brands Group highlighted 26 of the most obvious cases of products presented in packaging deemed “very similar” to well-known branded products available in the UK market (**British Brands Group, 2022**).

Lookalike brands that set out to create a link via perceived similarities to the originals are an increasingly common feature on supermarket shelves (**Jones, 2021**). A visit to a discount supermarket will confirm how prevalent lookalikes are. In the case of Aldi, research reports lookalikes are a core component of their business model in the UK (**Barker Brettell, 2022; Mehta, 2022; Winchester, 2019**).

II. The Influence of Lookalikes on Consumers

Many assumptions have been made about the impact of lookalikes on consumers. Some might reason the use of lookalike packaging has a negligible impact because “I know the difference between the original product and a lookalike” and “if I know the difference, then everyone should”.

This view has been raised in the context of legal challenges, where alleged risk of consumer confusion or deception between products in very similar packaging has been dispelled by the use of different brand names. Sir Robin Jacob, the former Lord Justice of Appeal, once noted how

“...consumers are not stupid. They will not see the cheap copy as being the same in quality as the original. They will see it for what it is and no more”

(L’Oreal SA v Bellure NV, EWCA Civ 535, 2010).

What has received comparatively less attention is how consumers are influenced by the use of lookalike packaging, even where they may not be actively confused.

Significant research in the behavioural sciences (a contemporary collection of scientific evidence and insights gleaned from psychology, behavioural economics, and neuroscience) provides valuable insight on this issue and casts a shadow on some of these commonly held beliefs and attitudes. In some instances, it offers an outright rebuttal.

Three key insights emerge on how consumers respond to lookalikes in practice:

1. Consumers do not always make considered decisions

Lookalikes thrive in the unique context of supermarkets where consumers are faced with the complexity and rapidity of the modern world. Considered thinking does not always apply in this environment because consumers are often at the mercy of a pair of factors that influence their decision-making:

- a. Situational factors such as the social pressure of other consumers, the range and nature of goods, the availability of comparisons, the context of the supermarket itself and the impact of shelf position.
- b. Unconscious factors including anchoring effects, familiarity effects, bottom-dollar effects, and post-purchase rationalisation.

When evaluating consumer decision-making, we must think of the context in which they are operating.

2. Consumers prioritise colour, shape, and packaging over brand names

Lookalikes tap into deep-seated automatic and human psychological responses. Research shows that of five factors consumers employ to recognise a product, brand name ranks last. Specifically, the average consumer recognises a product in the following order:

- A. Colour
- B. Shape
- C. Brand images
- D. Signals of taste and flavour
- E. Name

Whilst names are key to brand identity, research shows that they don't influence consumers anywhere near as much as other factors which are mimicked in lookalike products.

3. Consumers' perception of the underlying product is impacted by the packaging

Even where consumers are not confused (insofar as they are able to distinguish a lookalike from the original), there is strong evidence to suggest that their perception of the product is altered by the use of lookalike packaging – often importing standards of quality by virtue of the packaging alone. This allows supermarkets to charge higher pricing compared to non-lookalike own-branded products.

This report takes an in-depth look at each of the above insights in turn.

Three Key Insights



Insight #1:

Consumers do not always make considered decisions

Some consumers may actively intend to seek out and purchase lookalike products. By consciously shopping at discount supermarkets, it is unlikely they are being tricked into believing they are buying an original product, if their stated preference is to shop for lookalikes at a fraction of the price.

During an investigation in Australia into Aldi's lookalike hair care range that mimicked the famous company Moroccanoil, Justice Katzmann found that

"while Aldi's [lookalike] hair care line might 'remind' consumers of the more expensive product of Moroccanoil, and was intended to do so, shoppers would not think Aldi's budget products came from or were associated with the luxury brand"

(Whitbourn, 2018).

This is inaccurate. Research shows that subtle, unnoticed features of the environment, like the presence of other consumers or the existence of a comparison, as well as a broader onslaught of attention-grabbing sights and sounds, can influence consumers' decision-making and purchase behaviours in automatic, unthinking ways. While some customers may indeed intentionally purchase lookalikes for economic (or other) reasons, many others will fall foul of a plethora of psychological tactics employed by lookalike brands.

Not All Thinking is Equal

Nobel laureate Daniel Kahneman and his long-term research colleague Amos Tversky convincingly demonstrate how much of human decision-making occurs on autopilot (Kahneman, 2011). Kahneman himself popularised the much-quoted Dual Processing Theory known as "System 1 and System 2 Thinking".

System 1 describes our brains' fast, automatic, emotional, and unconscious response to external stimuli. Think when we're absent-mindedly scrolling through our social media feed, putting our shoes on, folding away our laundry or choosing toothpaste.

System 2 describes a slower, more effortful, ponderous, and logical mode of thinking that we activate when we need to solve complex problems like calculating 34 times 62 or writing an important email. Notice how System 1 thinking is always on. It cannot be turned off. In contrast, System 2 thinking needs to be turned "on" and requires effort.



Our brains have adapted brilliantly to an overwhelming reliance on System 1 thinking in order to make sense of the world around us. Each day, we encounter millions of pieces of information. To make sense of this tsunami of stimuli, our System 1 uses “heuristics” – mental shortcuts and rules of thumb – to quickly make decisions without the cost of fully engaging attention and consuming too much time and energy (**Holmes, 2017**).

Without this system of thinking, our lives would be exhausting. This is important when one considers the context of an environment that is overloaded with stimuli all vying for attention. Like a supermarket.



A. Situational Factors

Consumers are impacted by situational factors. When encountering lookalikes, key factors include:

- The supermarket context
- The range and nature of goods
- The availability of comparisons
- Social pressure
- The impact of shelf position

i. Supermarket Context

Consider the typical customer: time-poor; overwhelmed; often uncertain; frequently constrained. Faced with a seemingly countless array of choices and decisions, what do consumers do? Despite their claims to the contrary, it's unlikely they attend to everything presented to them. Instead, they will rely on System 1 thinking – mental shortcuts, immediately available and salient in the moment – to arrive at quick and satisfactory decisions in their fast-moving, stimulus-saturated world.

A typical supermarket will stock thousands of products. It's unlikely the majority of shoppers will objectively evaluate the pros and cons of all items lining the shelves and square them against their immediate and future needs. With limited cognitive capacity and time, people do not evaluate every potential option available to them, but instead use these heuristics or mental shortcuts to make quick, efficient decisions that are likely to be accurate. Or at least, will minimise errors.

As a consequence, attention-scarce and time-poor shoppers typically select the products they need, not by investing time going through and reading the names of every item on the shelf, but rather by seeking reliable signals like the distinctive colour and packaging of a familiar item. It is those extraneous features – shelf position, product shape, the colour of packaging, and endorsements by others – that will weigh heavily on their decision-making and influence decisions. Notice, too, how these features have little or nothing to do with the quality, price, and instrumental or nutritional value of the product being evaluated. Yet these mental shortcuts play an outsized role in influencing choices all the same.

Research demonstrates how the mere presence of lookalikes on a supermarket shelf can influence consumer reaction time when selecting a product (**Leighton & Bird, 2012**). In their influential study, researchers Leighton and Bird sought to understand the impact of copycat brands on consumers' attention and their ability to recognise original brands. Five categories of products were chosen: shampoo, toothpaste, dishwasher tablets, energy drinks, and butter (see Table 1).

In one experimental condition, consumers saw an original brand, a privately owned supermarket brand that was perceptually similar to the original brand (i.e., a lookalike), and three filler brands from within the product category. In a second condition, consumers saw the original brand, a private brand that was not perceptually similar to the original brand (i.e., not a lookalike), and three filler brands. And in the third condition, participants were shown the original brand and four filler brands.

Category	Original Brand	Copycat Brand	Non-Copycat Brand	Filler Brands
Toothpaste	Sensodyne	Tesco Pro-tech	Superdrug Sensitive	Colgate, Macleans, Oral B, Arm & Hammer
Butter	I can't believe it's not butter	Asda You'd butter believe it!	Sainsbury's Butterlicious	Clover, Anchor, Benecol, Flora
Shampoo	Head & Shoulders	Boots anti-dandruff	Waitrose Protect	Pantene, VO5, Herbal Essences, Tresemmé
Dishwasher Tablets	Finish	Clean & Fresh	Waitrose 5 in 1	Fairy, Daisy, Ecover, Planet Clean
Energy Drinks	Red Bull	Asda Blue Charge	Emerge	Alibi, Monster, Mountain Dew, Lucozade

Table 1: Brands used in the experiment: see Leighton & Bird, (2012)

The researchers were able to demonstrate how the presence of lookalikes influenced consumers' reaction times and recognition of the original brand. For example, when asked to find Head & Shoulders shampoo, consumers were slower to do so when a lookalike (Boots anti-dandruff) was present, compared to when non-lookalike brands or filler brands were present. Analysis across the five categories found statistically significant differences in reaction times as well as accuracy rates. Put another way, the study showed how in the presence of lookalikes, consumers were slower to recognise the original brand and, in some cases, were more likely to make an error in identifying the original brand, mistaking the lookalike for the original.

Other studies demonstrate how, in the context of time pressures and cognitive overload, the chances of consumers making a mistaken selection increases (Balabanis & Craven, 1997; Shetu, 2015; Walsh et al., 2010).

Other research looking at the similarity of packaging between products has also been able to demonstrate high levels of mistaken purchases as a result of the similarity. These mistakes occur as a result of packaging cues (i.e., similarities) for colour, shape, and size (Balabanis & Craven, 1997).

ii. The Range and Nature of Goods

In a legal context, the average supermarket customer is expected to be reasonably well-informed and observant. But an overly stimulating environment coupled with limited cognitive bandwidth makes it hard to be constantly attentive. In fact, a consumer's attentiveness will likely differ according to the nature or quality of the goods in question (**Sazerac Brands, LLC and others v Liverpool Gin Distillery Ltd and others, EWHC 2424, 2020**).

For instance, a shopper buying a packet of rice from a supermarket shelf may be less attentive than one who's buying an expensive high-quality watch – a phenomenon known in the behavioural sciences as the Elaboration Likelihood Model (**Petty & Cacioppo, 1986**).

iii. The Role of Comparisons

It is hard to make a decision or evaluate an offer in isolation. The availability of a comparison helps determine the relative worth of something over another; even though the things themselves don't change. For example, an average looking house can quickly seem like a really nice house if the one next door is in a state of disrepair. Yet, that same house will appear pretty shabby if there's a palatial residence next door. It explains why a shady estate agent might drive a prospective house buyer through the rougher parts of town in an attempt to make an average neighbourhood more appealing. This sounds sneaky. It is! It is also a strategy far from limited to house sellers.

Retailers choose the positions of products on display shelves and also what other products feature alongside them, or not. The presence or absence of comparisons can have a significant influence on consumers' perceptions and their subsequent decisions.

Interestingly, copycat products positioned alongside originals on shelves don't have to replicate *all* the similarities of the original to create an advantage. If a lookalike product's packaging is broadly similar, familiar, and cheaper, it will often come out favourably (**Johnson, 2013**).

It is also important to note how comparisons are not merely limited to the look and feel of packaging. The volume of product on shelves can also offer a comparison. For instance, if a shopper sees 3 jars of a premium brand (e.g., Nutella chocolate spread) alongside 25 jars of a lookalike (e.g., Nutoka) the abundance of the lookalike could serve as a cue of its popularity.



Even in the case where the original brand does not feature on shelves, its lookalike is likely to receive a boost by the subtle and positive associations consumers have previously mentally attached to the original brand. Studies show how when the original brand is absent, high-similarity lookalikes are often rated higher which, in turn, can influence an increase in sales (van Horen, 2010).

iv. Social Pressure

Evidence from numerous studies in behavioural science show how people's understanding of what influences their behaviour is frequently quite poor. In one of the most cited and respected studies demonstrating this phenomenon, researchers asked people to report on the factors that influenced their home energy use (Nolan, Schultz, Cialdini, Goldstein & Griskevicius, 2008). The most common responses included a desire to save money, help the environment and act pro-socially. Yet, despite these reported perceptions, the research clearly showed that the only factor influencing their consumption behaviour was how they compared to their neighbours.

Consumer research typically asks people *how* they will choose or *why* they chose. This can influence the responses because people typically want to behave in ways that allow them both agency and to feel good about themselves. As a result, the rationales consumers frequently offer up as influences for their decisions are ego-preserving ones. Behavioural scientists are less likely to be fooled, preferring to watch people's behaviour rather than relying on self-reports. There is often a significant gap between what people believe influences them, and what actually does influence them (Nolan et al., 2008).

The study has since become a classic example of the common and wide gulf between what people *believe* influences their choices and what *actually* does.

v. Shelf Position

Shelf position is also a reported factor in mistaken purchases. A retailer wishing to boost sales of a lookalike product has a tried and trusted strategy for doing so: placing the product in the centre position of the shelf systematically increases the chances consumers will assign greater attention to it and, as a result, be more likely to purchase it.

Numerous studies demonstrate consumers' attention is directed towards the middle "diamond" of a store's shelf, resulting in as much as a 9x times increase in time focused on these areas (Shires, 2012; Gidlöf, 2017; and Bialkova, 2020, among others). This has direct implications for consumer behaviour. After fitting eye tracking monitors to consumers in a real-life supermarket setting, researchers found the act of repeated or extended looking at a product resulted in more purchases of that product (Gidlöf et al. 2017).



B. Cognitive Biases and their Effect on Consumer Behaviour

A cognitive bias is defined as an error in reasoning or mental computation that is made despite possessing adequate knowledge and skill to effectively make the right decisions (Stiegler & Goldhaber-Fiebert, 2015). Cognitive biases often lead to psychological blind-spots and can affect decision-making. For example, consumers may respond to external stimuli by selectively focusing on some information in their environment, such as what the person in front of them just picked up or an advertisement they recently saw, rather than objectively analysing all the information they have access to. They may rely on past experiences to quickly evaluate and decide whether or not to buy a product. Frequently, they may be shopping while in a “hot” emotional state which influences their choices. For instance, a shopper experiencing hunger could be more inclined to pick up candy bars, bags of crisps or other “unhealthy” food that they’d otherwise reject when not in that state.

Researchers have identified dozens of cognitive biases (Desjardins, 2021). For the purpose of this literature review, we focus on four that are particularly relevant in the context of consumers shopping at supermarkets: anchoring, familiarity, the bottom-dollar effect and post-purchase rationalisation.

i. Anchoring Bias

What people attend to first disproportionately influences their subsequent evaluation of what they see next. This is the anchoring bias. The implication is, when evaluating a new piece of information or offer, people rely too heavily on what they have experienced immediately before in comparison (Lieder et al., 2018). As the adage goes, *“if you want to appear tall in a bar, it helps to have short friends”*.

The anchoring bias is one of the most robust effects in psychology. Many studies have shown that humans often become anchored by values that may not even be relevant to the task at hand. In one study, participants were asked for the last two digits of their Social Security Number (SSN). They were then shown a number of different products, including computer equipment, bottles of wine, and boxes of chocolate. For each item, participants indicated whether they would be willing to pay the amount of money formed by their two digits. So, if somebody's SSN ended in 28, they would say whether or not they would pay \$28 for each product. Next, the researchers asked what the participants' maximum price to pay for these products would be. Even though one's SSN is nothing more than a randomised series of digits, the participants' SSNs ended up having a significant effect on their decision-making. Those whose digits amounted to a higher number were willing to pay significantly more for the same products, compared to those with lower numbers (Furnham & Boo, 2011).

In another example, imagine a consumer choosing a Christmas present for his mother in a department store. He has set a budget of no more than £200. A handbag from her favourite brand appears to be a great choice. But the price tag of £350 is way above budget. The son keeps looking. In the next department, he finds a beautiful necklace worth £270. Still above budget, but he figures *“hey, it's much cheaper than the handbag!”* In a blink, a decision is made.

Similar actions frequently occur in supermarkets. A lookalike product, positioned close to its original product, will appear more attractive in comparison to the higher-priced original item. Once anchored on a higher-priced original, the lookalike presents as a much more economically appealing alternative. This is more likely to happen when (a) the price difference is steep and (b) there are few other distinguishing features (i.e., they look the same).

Notice two important features of this anchoring effect. First, it is hard to mitigate because all of us frequently use comparisons to determine the worth of something to make a seemingly accurate decision. Second, the anchor doesn't necessarily need to be similar for the effect to work (although it is likely more potent if it is). When Carluccio's, a restaurant chain, included a motor scooter on its menu, sales of lower-priced discretionary items rose considerably. When compared to a £2,700 motorbike, paying £10 for a cheese sandwich seems like a good deal (Goldstein et al., 2008).

Far from providing only a fleeting moment of influence that aids quick and easy decision-making, there have been reports to show how price anchoring can become “sticky”.



For example, a report from the influential Symposium on Retail Competition suggests that once committed, consumers may not find it easy to switch back to the original product. Notes from the symposium's Eighth Conference highlight how:

"On average, the price of the private label [lookalike] has to be 70% or less of the branded product before the consumer will switch products. However, once a consumer has made the switch to a private label, they are likely to be committed to that product. In order to switch back to the branded product, the private label has to get very close to the branded product's price"

(Shires, 2012)

ii. Familiarity Bias

It is a fundamental human tendency to favour familiar people, places, products, and experiences over the unknown. Numerous examples exist in day-to-day life. We order the same dishes on the menu. We take the same route to work. We invest in the same financial products. All examples of the familiarity bias in action.

Especially in times of uncertainty, consumers look for familiarity to guide their decisions. This preference for familiarity presents non-original, own-brand products with a challenge: How to suppress any uncertainty in a consumer's mind? However, there's a highly efficient workaround. Imitate the look and feel of a manufacturer brand so that cues of familiarity are instantly triggered. As a consequence, any doubt or uncertainty about unfamiliar or new products is quelled by the use of similar packaging that typically communicates similar features (Dobson & Yadav, 2012).

Lookalike products exploit consumer preferences for the familiar which are likely to have been built up over time. Familiarity can be signalled in a variety of ways, including brand names, price, packaging, shape, and advertising to exert an influence. In fact, most product lookalike research focuses on the packaging. Research shows that copying the shape, colours, size, and other packaging signals leverages the familiarity bias even if the lookalike product has a different name (Aday & Yener, 2014; Cunningham, 2017; Tavassoli, 2001; Underwood et al., 2001, *ibid*).

A 2013 study of 800 UK shopping mall visitors, conducted in two large cities over a period of four weeks and representing a variety of demographics, provides good evidence for this. Using a structured questionnaire, the research looked at how choosing between lookalikes and original products with similar packaging influences consumers' confidence (Wang & Shukla, 2013). Confidence is important because all of us use it as a subjective and affective measure of how much we trust something (Martin & Marks, 2019).

The researchers used mobile phone packaging in the study because many phones look similar and can be hard to distinguish. Respondents rated on a 9-point scale statements that tested consumer “similarity confusion” and “choice confidence”. They included *“Some mobile phone brands look so similar that it is uncertain whether they are made by the same manufacturer or not”* and *“I felt confident when identifying a mobile phone which matches my needs”*.

The results found how high similarity confusion reduces choice confidence. In other words, when there is high similarity between competing products, consumers feel less confident about the differences between these products and therefore, become less confident about their choice. The study authors conclude how:

“The close imitation of a successful brand and attributes creates a ‘halo of resemblance’, on the basis of which consumers may make inferences and attributions of similarity of use”

(Wang & Shukla, 2013).

It is also important to consider context. Similar packaging activates anchoring (comparing) behaviours as discussed earlier, leading consumers to contrast the characteristics of the brand leader and the lookalike when they are both on the shelf (Johnson et al., 2013). But what if the original brand is not available for consumers to compare and contrast? Research shows that when the original brand is absent, high-similarity lookalikes will often be rated higher (van Horen, 2010).

While some research suggests high similarity lookalikes are often rated less favourably when they appear side-by-side on a shelf, more generally the closer a lookalike appears to the original, the more appealing the lookalike is perceived to be (ibid). We discuss this detail more on page 45.

Related to the familiarity bias is the “mere exposure effect”, which describes a tendency to like and adopt ideas that we become familiar with (Zajonc, 2001). Feelings of familiarity can be activated after repeated exposure to a product, which can lead to greater consumer preference for the lookalikes. The mere exposure effect posits that lookalike products themselves become familiar simply by virtue of repeated exposure, leading to their increased purchase. Importantly, the effect seems to hold even for the discerning consumers who are aware they are encountering a copycat brand. Ultimately, familiarity with packaging leads to more positive feelings towards it. This is fundamental to lookalikes achieving a likelihood of purchase.

iii. Bottom-Dollar Effect

Economists posit that all money is interchangeable. Behavioural economists and psychologists do not. A good example is mental accounting, which describes people's tendency to divide their money into mental "pots" – think rent, food, entertainment, travel, savings, etc. – and to be reticent about transferring funds between them. Of particular relevance here is people's reaction to the same products as their mental pots get depleted. Labelled the bottom-dollar effect, it describes how people think and feel negatively about a product if it strains or exhausts their remaining budget.

The bottom line for the bottom-dollar effect is a simple one. People's liking of a product is influenced to the extent its purchase occurs at the start or end of their allocated budget. A product purchased when their mental pots are full will be less painful than the same product purchased when their mental monetary tanks are empty. The phenomenon explains why savvy supermarkets will highlight "Buy 1, Get 1 Free" incentives during the middle and towards the end of a month (on the assumption most people get paid at the end of each month). It ensures consumers feel OK about spending by diminishing any negative feelings associated with the bottom-dollar effect (Soster et al., 2014).

This bias is likely to apply to grocery shoppers choosing lookalike products over originals. Assuming the lookalike is cheaper than the original, they may feel better about spending less money on a lookalike product, and thus creating more space in their budget for other consumption.

iv. Post-Purchase Rationalisation: Preserving a Sense of Self

The ability to serve as a reliable instrument of near-instant decision-making is not the only impressive attribute of our brain's System 1 thinking. It is also a pretty good storyteller. Importantly, the stories it serves up don't need to be true. System 1's job is not to support the evidence, but rather the ego. Particularly following an error or mistake. People post-rationalise to make themselves feel better about their mistakes. Imagine a consumer who has purchased, in error, a lookalike product that at first glance looks like an original. On discovering their mistake, how likely are they to admit their error and return to the store? Or are they more likely to construct a story that allows them to a) feel less duped and b) re-establish control?

A 2013 study by Mannino finds that well over half of shoppers experience buyer's remorse either sometimes or frequently. But rather than swallow pride and accept the lesson learned, they will also frequently overlook any obvious product defects in order to feel a little more comfortable about their purchase error. This happens because people prefer to a) see themselves in a positive light and b) be seen by others as intelligent and rational. To experience the opposite is psychologically uncomfortable. The result? The difficulty in admitting one's mistakes.

Research from financial scams illustrates this point (Lazarus, 2021). Increasing numbers of people experience financial hardship and psychological distress as a result of being the victim of a financial scam. People understandably feel foolish after being scammed and frequently experience shame too. Consequently, they may not want to share what has happened, choosing instead to bottle it up, leading to poor mental health and a sense of helplessness. Alan Castel, a UCLA professor who studies the after-effects of scams, notes in a Los Angeles Times column:

"Many people will just keep their experience to themselves. They don't want others to think they're stupid. They don't want to be judged"

To suggest someone who mistakenly purchases a lookalike product in a store will suffer a similar reaction to a person who has been financially scammed would be wrong. The things are not comparable. Often, consumers may not undergo a post-purchase rationalisation at all. For example, when a consumer mistakenly buys a lookalike product that is similarly priced to the original product, they may simply accept the mistake and continue to use the lookalike as though it is the exact same product they intended to purchase. This does not present a loss to the consumer because the mistake was theirs. The reporting of any confusion is highly unlikely because there is no incentive for it. The consumer simply moves on (Shires, 2012).

However, there is an implication for both the financial scam and the mistaken purchase that is comparable and worth noting. If people are minded, understandably, to avoid being judged for a decision they made because of thinking it was something else, then the scammer wins twice. First, because of the success of the initial trick. Second, because the incidence is understated, the broader community is falsely led to believe the issue is a minor one that impacts only a very small minority of people, who should probably know better. The potential response to the lookalike is *"no big deal"*.

In fact, when it comes to the mistaken and unintentional purchase of a lookalike product, the post-purchase rationalisation process might be the source of another unintended consequence. In an attempt to feel consistent with the feasible but false story our System 1 brain has served us, the initial unintended purchase could become a trigger that influences a more permanent shift. Counter to what our rational selves would predict, our purchasing error could lead to more, not less, future purchases of that lookalike.

In this section, we have discussed the role of unconscious influences like cognitive biases and heuristics on consumer behaviour. Many customers, of course, are fully aware that they are purchasing lookalikes. They are also likely to self-identify as savvy consumers as a way to keep their post-purchase rationale consistent. Many others, however, are likely to be duped by the slick and curated use of tactics by the producers of product lookalikes who wield them against us.



Insight #2:

Consumers prioritise colour, shape, and packaging over brand names

The primary purpose of a brand name is to correctly identify a product. Rather than describe all the features and elements that compose a product, a brand name provides a catch-all that others can easily understand and infer meaning from.

Our legal system has long recognised brand names as the most important identifying trait for recognising a product. Accordingly, there is:

"an (often implicit) assumption in many [Commonwealth] countries that consumers pay more attention to brand names when making their purchasing decisions than they do to product appearance"

(Humphreys et al., 2017).

This thinking has changed little since Lord Halsbury's 1905 statement on the matter:

"If a person is so careless that he does not look, and does not... 'treat the label fairly', but takes the bottle without sufficient consideration and without reading what is written very plainly indeed upon the face of the label on which the trader has placed his own name, then you certainly cannot say he is deceived"

(Schewappars Ltd. v. Gibbens, 22 RPC, 1905).

More recently, it was stated that "cases in which the origin of a product is recognised regardless of the name attached to it are rare" (George East Housewares Ltd vs Fackelmann GmbH & Co Ok, EWHC 2476, 2016). Another judge claimed that looking at licence plates is a better way to recognise the brands of taxis than their design:

"In my judgment, none of these factors, whether individually or in combination, justifies the inference that consumers of taxi services identify the source of LTC's taxis because of the shape of those taxis"

(Reckitt & Colman Products Ltd v Borden Ltd, 1990).

Lord Justice Floyd went further, claiming that the shape and composition of a product do not normally inform about the origin of a product, but that the name does.

"Whilst the principal function of a brand name is to denote origin, the shape and get up of a product are not normally chosen for such a purpose"

(Hodgkinson & Corby Ltd v Wards Mobility Ltd, 1994).

Science knows better. Repeated studies, some going back decades, suggest that this commentary on the role of brand names is incorrect (Paivio et al., 1968; Kapferer, 1997; Cunningham, 2017; Morton, 2019, *ibid*).

Which factors really influence consumers?

Purchase decisions theory posits that consumer decisions can be broken down into four phases (Clement, 2007):

1. Pre-attention: where the visual impact of the packaging on the shelf catches the consumer's attention.
2. Succeeded attention: where the packaging design builds up in the consumer's mind.
3. Tipping point: where the consumer reaches out and picks up the product.
4. Physical action: where a purchase is made.

Most research on lookalikes focuses on phases 1 and 2 of this process. For example, blurring experiments – where a blurred photograph of a product is shown, which becomes increasingly in focus – suggest consumers recognise product characteristics in a reliable order. Experiments like this use a tachistoscope, an instrument used for projecting images onto a screen, with a feature to control the length of exposure to each picture. Doing so prevents subjects from extracting all the information from the image at once. Each participant saw the same projected image (a brand or a copycat) very quickly, at 1/120th of a second, then more slowly (at 1/60th, 1/30th, 1/15th, 1/2, and 1 second). After each exposure, participants described all that they had seen, reproducing the process of a consumer paying average attention in the supermarket and revealing which features of each product are prioritised and focused upon by the average consumer.

A clear hierarchy emerges. First and most important is colour, then shape, then brand artwork/design and perceptions of the product's taste and quality, and finally, name (Kapferer, 1997; Satomura et al., 2014).

We now consider each in turn.

A. Colour

A study titled *The Impact of Colour in Marketing* states that in 62% to 90% of cases, consumer assessment is based on colour alone (Singh, 2006). Other research points clearly to the fact that colour is perhaps the single most important element of a product's packaging (Spence & Velasco, 2018).

Colour also determines a brand's recall value. To examine consumers' ability to identify a brand by its colour, study participants were shown four colours and were asked to match each colour to an unlabelled brand of laundry detergent (Cunningham, 2017). The results showed that 85% of participants correctly identified laundry detergent brands by their colour alone.

The reason why colour is an important factor in influencing consumer behaviour is because it plays a key role in capturing the attention of a consumer shopping in-store. A distinctive colour or set of colours (i.e., a brand's colour scheme) becomes a valuable brand attribute. Think the signature colour schemes of McDonald's, Cadbury's Dairy Milk or Classic Oreo cookies.



Colour can also convey information about a product's taste, flavour, or other sensory properties. For example, a cleaning product might use yellow because of its ability to convey a fresh, lemon scent. Green labels can prime people to associate brand attributes with concepts like health.

Advertisers have long recognised the role colours play in persuading consumers.

Labrecque & Milne (2012) find brands spend huge amounts of time researching and identifying which colours to employ in order to create a unique identity in the marketplace and set themselves apart from their competition. It is why most consumers around the world will recall the colour blue when thinking of the brand Pepsi and why the colour red similarly comes to mind when thinking about Coca-Cola. Many consumers even remember the specific shades of blue and red used by these brands. Even a small colour variation can harm a brand's visibility. This is why the world's top brands have strict colour guidelines, ensuring that the same shade of colour is used consistently across all commercials, social media posts, packaging, and retail displays (**How Does Color Affect Consumer Behavior, 2021**).

Ultimately, colours associated with a specific brand start serving as a cue for brand recognition, reinforcing the identity of the brand over repeated encounters (**Abril et al., 2009**). Given that consumers are unlikely to have the cognitive capacity to attend to multiple pieces of information in a supermarket context, they will rely on the mental associations they have built with brands' colour schemes as a shortcut in their decision-making. This explains why lookalike brands will often attempt to profit by copying the colour scheme of an original established brand.

(Tavassoli, 2001) set out to test whether colour transfers an evaluative connotation between two brand names using the same exact colour. He conducted a clever experiment on 60 participants with normal colour vision. First, the participants learned about evaluative connotations of pseudo brand names' colours. They were shown fourteen pseudo brand names (like Bensu, Fatow and Hayda) one at a time, in different colours, on a computer screen for five seconds each. These names appeared either alongside a smiling face, a neutral face, or a frowning face. Participants were told that these faces corresponded to the average ratings of the brand name made by consumers in an unspecified country abroad, with a smiling face corresponding to an overall positive evaluation and a frowning face to an overall negative evaluation. They were told to examine the brand names to get a feel for how (fictitious) foreign consumers evaluated them, so that they could subsequently rate two new brand names from these foreigners' perspectives.

Four brands with smiling faces appeared in the colour blue and four with frowning faces appeared in orange (counterbalanced in another condition where four with smiling faces appeared in orange and four with frowning faces in blue). Six other brand names appeared as "fillers" with mixed evaluations featuring an equal number of smiling, neutral and frowning faces in green and purple (See Figure 1).

Next, after seeing two entirely new brand names for just five seconds, participants were asked to evaluate the generic "appropriateness" of the brand name from the foreigners' perspectives, on a 9-point scale.

Results from statistical analyses showed that brand names printed in the positively associated colour (whether blue or orange) were rated higher than those in the negatively associated colour. Interestingly, participants were not consciously aware of the role colour played on their ratings. Not a single participant correctly guessed the experiment's hypothesis at the end of the task, robustly demonstrating how (a) colour plays a role in influencing perceptions of brand names and (b) evaluations do not happen consciously.

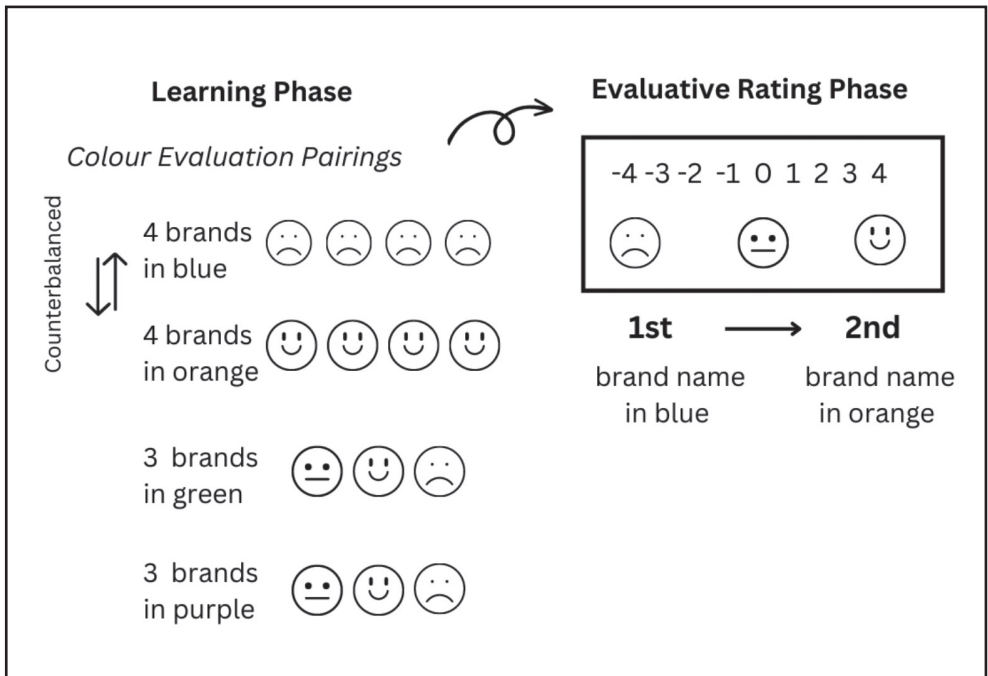


Figure 1: Experimental procedure for Tavassoli, 2001

This has direct implications for lookalike products. By copying original brands' colours, lookalikes are cleverly transferring positive consumer associations to themselves. Note that the primary goal of lookalike products may not be to create confusion among consumers, but rather to acquire, by association, some of the original brand's positive brand evaluations that exist in consumers' minds. And they do this very easily by copying the original brands' colour schemes.

B. Shape

The shape of a product and its packaging plays a critical role in terms of both helping consumers to accurately recognise a brand and influencing a purchase decision. The evidence suggests this is especially the case with consumer goods such as perfume and personal care products, chocolates, and other regularly consumed commodities (Underwood et al., 2001).

(Aday & Yener, 2014) studied how a product's shape and make (i.e., choice of material) influenced consumers' preferences. They surveyed 324 participants who provided responses to 31 questions. The questions were displayed in detail and included graphics in a multidimensional space in order to mimic a supermarket setting. Data were analysed using multiple correspondence analysis statistical tests. The researchers found a variety of shape and packaging-related influences. For example, tall glass items appealed to consumers because they signalled protection. Participants judged products packaged in glass bottles (e.g., juices, organic milk, etc.) to be healthier than those in plastic containers. In contrast, plastic and paperboard containers appealed to consumers' perception of resistance to impacts and their ease of use. In all cases, the results demonstrate that the attributes of product packaging were important factors that influence consumers' purchase behaviours.

(Vladić et al., 2015) specifically studied packaging shape and found it to be an important and often overlooked tool of product differentiation. In one study, 127 European consumers were shown teabag boxes that ranged in shape from usual to unusual (See Figure 2). After reviewing the shapes in an array, they were then asked to rate each teabag box on five aspects: (1) creativity; (2) functionality; (3) attractiveness; (4) aesthetic; and (5) value for money (price). Box #3 was rated the highest for functionality and attractiveness, whereas Box #5 was rated as the most aesthetic and creative. The researchers then conducted analyses finding a high positive correlation between individual preference attributes (i.e., scores for creativity, functionality, attractiveness, and aesthetic) and price assumption. This demonstrates how people perceived creative, aesthetic, attractive and functional packaging as more expensive and of higher value.

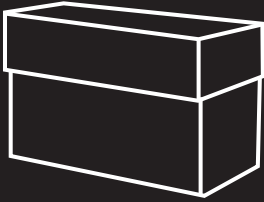
These results support earlier studies reporting how

"Western consumers tend to prefer more unusual and uncommon shapes and designs"

(Vladić et al., 2015).



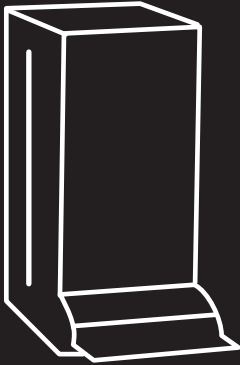
Box 1



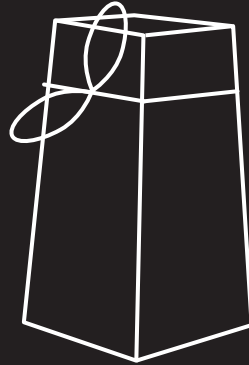
Box 2



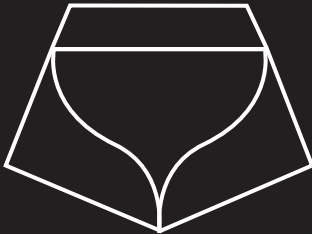
Box 3



Box 4



Box 5



Box 6



Figure 1: Experimental procedure for Vladić 2015

Shape and size can also influence consumers' judgment of product quality and quantity (Folkes & Matta, 2004). Packages with attractive shapes not only garner more attention. They are also thought to contain a greater volume of product than the same product in ordinary-looking packages. In short, the shape of a product can result in a series of judgments made by consumers that serve as proxies or shortcuts to a purchase. Consequently, the shape of a product (a) features highly in a consumer's mind as a trigger to an accurate decision and (b) itself can become a unique and equitable part of the brand. Think Red Bull. Toblerone. Lindt's GOLD BUNNY chocolate.



There is an implication here. Any copycat product wishing to persuade consumers that it is similar to the market leader needn't go through the trouble of appearing similar to the brand name on the package at all. All they need to do is copy the shape of the box or packet the name appears on. A consumer's brain will often do the rest of the work for them.



C. Brand Images

Branding is an intricate blend of selling and communication methods to help differentiate a product from its competitors with the ultimate aim of creating a lasting impression in the minds of its consumers.

A recent study evaluating the effect of brand image on consumers' purchase behaviours found that a brand's image has a significant and positive correlation with consumers' buying behaviour (Gupta et al., 2020). A questionnaire-based survey was conducted on 200 shoppers of fashion clothing brands. Participants were asked about their shopping habits, beliefs on brand image (e.g., *"fashion brands bring me exclusivity"*), individual factors like perceptions of their own fashion sense, and their attitudes towards social advertisements. Results from the structural model analysis revealed that brand image had a positive significant influence on the participants' buying behaviours. This finding has implications for product lookalikes.

D. Signals of Taste and Flavour

There is another content recognition advantage of a lookalike product, one that relates to the perceived taste and flavour of consumable goods. "Cue utilisation theory" states that consumers evaluate the quality of a product based on intrinsic and extrinsic cues (Olson & Jacoby, 1972). Things like ingredients, taste, and flavours are intrinsic cues that depend on the physical product itself and these cannot be altered without directly modifying the product (McCarthy & Norris, 1999). Extrinsic cues of a product refer to its brand name, brand image, price, country of origin, etc.

A 2001 study of 262 consumers looked at the relationship between a product's perceived taste, perceived quality, brand trust and the participants' subsequent intention to buy the product (Konuk, 2021). The researchers constructed a covariance-based structural equation model to test the relationship between perceived taste, quality, and trust. For example, does perceived taste influence a perception of the item's quality? Does perceived quality influence brand trust? And so on.

They do. Empirical findings revealed that perceived taste significantly influences perceived quality. Put another way, consumers draw inferences about the product's quality based on how good they think it will taste. Positive links emerged between perceived taste and brand trust as well as perceived quality and brand trust. Meaning a product rated as tasty and appearing to be of good quality increased participants' trust in the brand. Finally, high brand trust was associated with a greater willingness to buy the product. This study, thus, suggests that perceived taste is an important factor that influences a consumer's willingness to buy a product.

This has direct relevance to product lookalikes. If a grocery shopper encounters a Malibu lookalike – let's call it "Caribbean White Rum" – they may immediately construe its coconutty taste based on past experiences with the original product.



Similarly, the taste of a well-known packet of sweets will come to mind when encountering its copycat version. These high ratings of perceived taste, drawn from memories of the original product's taste, could serve to boost sales of a copycat product. Moreover, pleasant memories of past experiences with an original brand (like fond memories from a friend's birthday party or a particularly exciting work social) may further drive a consumer's intentional decision to purchase this product lookalike. This is especially likely to occur if the original brand is not present at the moment of choice.

E. Name

Decades of literature, from marketing studies to psychological experiments, shows that consumers recall very few features of a product. Certainly, no more than five (**Durham, 2012**). When prompted by a product category, most consumers only recall a relatively small set of brand names, typically around three to five (Keller, 1993). In consumer tests, few consumers can recall more than seven brand names within a given category and for low-interest product categories, most consumers recall only one or two (**Ries & Trout, 1972**). In more recent tests, the capacity limits in short-term memory seem to have decreased to four (plus or minus one) items of information – which includes names (**Cowan, 2001**).

There are, of course, ways of increasing that capacity, such as through chunking strings of information together, from rehearsal and use of long-term memory, but that does not change the capacity for working memory – the few temporarily active thoughts (**Cowan, 2008**). Researchers measure the working memory by controlling those processes that might increase that capacity. By presenting information in a brief, simultaneous spatial array; in a series of information with an unpredictable ending (no relationship between the past and present information); having participants listen to words, without warning, and then asking for their recollection later; asking to recall back a number of items over the repetition of a single word, constantly repeated (**Cowan, 2010**).

Consumers normally purchase one of the top three brands in their consideration set, a phenomenon known as top-of-mind awareness (**Michael et al., 2019**). Consequently, one of the goals for marketing communications is to increase the probability that consumers will include the brand in their thinking.

Keller et al. (1998) found that when a brand name explicitly conveys a product benefit (e.g., Picture Perfect televisions), it has a higher recall rate by consumers compared with a nonsuggestive brand name (e.g., Emporium televisions). And when it comes to advertising, which most original brands spend heavily on in order to build brand recognition, it turns out that consumers are, indeed, more likely to buy a product if they can remember an advert. That doesn't mean, though, that recall of an advert will result in a purchase of the brand that was advertised (**Kotler & Armstrong, 2008**). Even when consumers accurately recall a brand, they may still form purchase intentions based on factors such as income, price, and other expected product benefits.



If another brand hits the mark, they will become more likely to buy from that brand, despite not actively recalling it in the first place. Consequently, an assessment of other factors that influence consumers' purchasing behaviour, outside of just the brand name, takes place. That is not to say brand names don't matter. But they certainly matter less than current perspectives would suggest.

"When a consumer commits a product to memory, his or her recollection is likely to focus in significant part on the 'get up' of the product. Consequently, a dissimilar name will not necessarily protect against false brand recognition [...], and different brand names will not remove the risk of confusion"

(Humphreys et al., 2017).

Arguably the best evidence comes from the market itself. Both Coca-Cola and Dairy Milk – respectively a well-known soft drink and a popular chocolate bar – have run campaigns where the name on the packaging has been removed and replaced with something irrelevant to the product. In both cases popular first names. Rather than the removal of the product name decreasing sales, as would be assumed if a product's name features top of mind in consumer's decisions, Coca-Cola and Dairy Milk reported increased sales and demand as a result. Consumers were well aware the products were from Coca-Cola and Dairy Milk by reference to the product look alone, even without the brand name featured.

Although it is true that the plural of anecdote is not evidence, that doesn't make these two examples any less persuasive. Consequently, we conclude that it is a product's colour, shape, and the overall brand image that need to be prioritised because of their outsized and direct influence on consumers according to robust scientific evidence.



Insight #3:

Consumers' perception of a product is impacted by its packaging

Sir Robin Jacob, the former Lord Justice of Appeal, noted that

"...consumers are not stupid. They will not see the cheap copy as being the same in quality as the original. They will see it for what it is and no more"

(L'Oreal SA v Bellure NV, EWCA Civ 535, 2010).

The evidence from extensive behavioural science research over the last few decades suggests that this is not correct. Even where consumers are not confused (insofar as they are able to distinguish a lookalike from the original), there is strong evidence to suggest that their perception of the product is altered by the use of lookalike packaging.

An important study commissioned by the Intellectual Property Office (IPO) – a UK Government body – finds that even when consumers are able to distinguish a lookalike from the original, they still believe it to be worthy and of similar quality to the original product because of its similar branding **(Johnson et al., 2013)**.

The work involved asking 330 UK consumers to compare 36 products chosen by the British Brands Group – a non-profit membership group – separated into 12 categories. In each category, products were designated as either Brand Leader, Lookalike or a Control (an own brand whose packaging did not resemble the Brand Leader). Products were those routinely available in major supermarket chains (Tesco, Asda, Sainsbury's, Morrisons, Aldi, Wilko and Lidl) and two high street pharmacies, Boots and Superdrug (See Figure 3).

Category	Brand Leader	Lookalike	Control
Body Spray	Charlie Pink	Tesco Sweet	Tesco Pink Body Spray
Body Wash	Original Source Lime	Tesco's Wake Up	Sainsbury's Lime Body Wash
Cheese	The Laughing Cow Cheese	Tenery Cheese	Tesco's Cheese Triangles
Razor	Gillette Mach 3	Boots Blade 3	Morrisons Triple Blade
Washing Up Liquid	Fairy Lemon Washing Up Liquid	Magnum Lemon Washing Up Liquid	Tesco Lemon Washing Up Liquid
Shampoo	Head and Shoulders	Boots Anti-Dandruff	Sainsbury's Anti-Dandruff
Drinks	Red Bull	Asda Blue Charge	Mixed Up
Vinegar	Sarson's Malt Vinegar	Samson's Malt Vinegar	Asda Malt Vinegar
Butter	Lurpak	Norpak	Tesco Butterpak
Ibuprofen	Nurofen Ibuprofen Capsules	Boots Ibuprofen Caplets	Sainsbury's Ibuprofen Capsules
Skin Care	Clearasil Ultra	Boots Skin Clear	Tesco Clear Skin
Shaving Gel	Gillette Fusion Shaving Gel	Boots Blade 3 Shaving Gel	Morrisons Shaving Gel

Figure 3: Categories of products used in Johnson et al., 2013

The study showed how consumers' perceptions of a lookalike product (based on *price, quality, suitability for intended use and value for money*) improve compared to an own brand whose packaging does not resemble the brand leader. The finding is statistically significant, especially among non-users of the product.

The more similar a lookalike product appears to the brand leader, the higher the score it receives across all dimensions especially in perceived expensiveness (+15.9%) and perceived quality categories (+13.7%). The implication is that even when a consumer is able to distinguish the lookalike from the original, they will still believe a lookalike to be of similar quality to the original product because of its similar branding (Johnson et al., 2013).

Despite one study finding that consumers might be put off by a lookalike and only when viewed side-by-side on a shelf with an original, most research finds the more similar the lookalike, the more favourably the consumer views it. Consequently, mimicking a brand leader allows the lookalike to be perceived as more expensive and of better quality than comparable products. This, in turn, allows the copycat producer to charge more for the product compared to a similar, non-lookalike product.

Consistent with this finding is the case of Hampstead Gin, where, after rebranding its mark to appear more similar to Hendrick's Gin, it was able to increase its price per cubic litre by 14%. This occurred despite increasing the size of the bottle from 50cl to 70cl, which should technically reduce the price per cubic litre (Holmes, 2017), offering "good evidence of price hikes" among product lookalikes (Quinn, 2022).

Conclusion



Humans are hardwired to be alert to difference and to use the presence of any disparity to make judgments quickly. Ideally, accurate ones. It is an elegant system that is both efficient and protective. Differences can serve as a useful alarm, triggering a defensive mindset or position.

Flags or a coat of arms, for example, have historically helped convey whether an advancing group is a friendly one: *"Their flag looks the same. Summon the welcome party."* Or a foe: *"Their flag looks different. So, beware."* Similarly, the colour of a fruit can signal its apparent ripeness: *"It looks normal. Tuck in."* Or not: *"It's an odd colour. Avoid."*

Our ingrained vigilance to difference results in the raising of an alert when encountering anything contrary to an expectation. This happens quickly, certainly within milliseconds, and is largely outside of conscious awareness. It is, to use a term defined earlier in this report, a System 1 reaction.

In contrast, anything that appears similar or familiar can, by default, mitigate any need for caution. It can gain immediate access to acceptance. This is also a System 1 response. And so central to our psychology that even life-defining decisions such as whom we co-habit with, or even marry, will frequently be triggered from a platform of similarity (Martin & Marks, 2019).

Although people are unlikely to need to make life-defining decisions in a supermarket, this doesn't mean the decisions they do make are conducted any differently. If anything, the Elaboration Likelihood Model of decision-making – which posits we pay attention less to peripheral (trivial) matters as opposed to central (important) ones – suggests we rely even more on surface features of an issue to determine its relative value when the decision is deemed not an especially crucial one (Petty & Cacioppo, 1986). Like how different a packet of butter is from another.

Subsequently, the perceived similarity (or difference) of a product plays a significant role in a consumers' choice of products. Rules of thumb, like the familiarity of a single characteristic or feature – such as its colour or shape – become a guided trigger to a good decision. This is not mere conjecture. It is established science.

This report concludes that lookalikes use these deeply ingrained psychological and neurological mechanisms to influence consumer attitudes and purchasing choices in ways which they may not even be actively aware of.

Some examples of copycats (e.g., Lidl's Lacura Anti-dandruff shampoo, which mimics Proctor & Gamble's Head and Shoulders, or Monster's Red Dawg brand, which seeks to call to mind the name Red Bull) are obvious. Many, however, are not. In fact, the majority of lookalike products are not so glaring. Through the inclusion of discreetly disguised references to a more recognised brand, they are able to activate automatic decision processes subtly, but no less successfully.

As both research and this report show, the widely held belief that it is the brand name that consumers prioritise to distinguish between an original product and its lookalike is simply incorrect.

Features such as product colour, shape and other brand visuals are vastly more influential. If these features appear similar (or of little difference), they will often be categorised as the same. In the hierarchy of consumer decision-making, the name of the product languishes in perceived importance.

If it looks like a duck and swims like a duck, then it's a duck. This is the abductive reasoning parodied in Douglas Adams' novel. Except often it's not a duck at all. As this report concludes, it is exactly this kind of deep-seated consumer decision-making the copycat exploits. The world has moved on. We need more than rudimentary duck tests when considering how consumers respond to these types of practices. We need properly sourced and evidenced insights. We need science. The good news is that a vast body of it already exists. The challenge now comes in ensuring it is given proper weight when assessing lookalike products and the reasons why a consumer is influenced to purchase them.



References



- Abril, P. S., Olazábal, A. M., & Cava, A. (2009). Marketing and the Law. *Journal of the Academy of Marketing Science*, 37(3), 375–380. <https://doi.org/10.1007/s11747-009-0159-8>
- Aday, M. S., & Yener, U. (2014). Understanding the buying behaviour of young consumers regarding packaging attributes and labels. *International Journal of Consumer Studies*, 38(4), 385–393. <https://doi.org/10.1111/ijcs.12105>
- Argos Limited v Argos Systems Inc. EWCA Civ 2211, (2018).
- Balabanis, G., & Craven, S. (1997). Consumer confusion from own brand lookalikes: An exploratory investigation. *Journal of Marketing Management*, 13(4), 299–313. <https://doi.org/10.1080/0267257X.1997.9964474>
- Barker Brettell. (2022). How do certain brands get away with lookalike products: The answer opens up a can-of-caterpillars.... Barker Brettell.
- Bayford, K. (2022, December 2). Why M&S is protecting Percy: How copycats cash in and why brands are fighting back. *Grocery Gazette*. <https://www.grocerygazette.co.uk/2022/12/02/copycat-products-brands-aldi/>
- Bialkova, S., Grunert, K. G., & van Trijp, H. (2020). From desktop to supermarket shelf: Eye-tracking exploration on consumer attention and choice. *Food Quality and Preference*, 81, 103839.
- British Brands Group. (2022). Parasitic packaging.
- Burt, S., & Davis, S. (1999). Follow my leader? Lookalike retailer brands in non-manufacturer-dominated product markets in the UK. *International Review of Retail, Distribution and Consumer Research*, 9(2), 163–185. <https://doi.org/10.1080/095939699342624>
- C-323/09 - Interflora and Interflora British Unit, (2011).
- Claridge's Hotel Limited v Claridge Candles Limited & Denise Shepherd, EWHC 2003, (2019).
- Clement, J. (2007). Visual influence on in-store buying decisions: an eye-track experiment on the visual influence of packaging design. *Journal of Marketing Management*, 23(9–10), 917–928. <https://doi.org/10.1362/026725707X250395>
- Coelho do Vale, R., & Verga Matos, P. (2015). The impact of copycat packaging strategies on the adoption of private labels. *Journal of Product & Brand Management*, 24(6), 646–659. <https://doi.org/10.1108/JPBM-03-2015-0846>
- Cowan, N. (2001). The magical number 4 in short-term memory: A reconsideration of mental storage capacity. *Behavioral and Brain Sciences*, 24(1), 87–114. <https://doi.org/10.1017/S0140525X01003922>
- Cowan, N. (2008). What are the differences between long-term, short-term, and working memory? In *Progress in Brain Research* (Vol. 169, pp. 323–338). [https://doi.org/10.1016/S0079-6123\(07\)00020-9](https://doi.org/10.1016/S0079-6123(07)00020-9)
- Cowan, N. (2010). The magical mystery four: How is working memory capacity limited, and why? *Current Directions in Psychological Science*, 19(1), 51–57. <https://doi.org/10.1177/0963721409359277>
- Crass, D., Czarnitzki, D., & Toole, A. A. (2019). The Dynamic Relationship Between Investments in Brand Equity and Firm Profitability: Evidence Using Trademark Registrations. *International Journal of the Economics of Business*, 26(1), 157–176. <https://doi.org/10.1080/13571516.2019.1553292>
- Cunningham, M. K. (2017). The Value of Color Research in Brand Strategy. *Open Journal of Social Sciences*, 05(12), 186–196. <https://doi.org/10.4236/jss.2017.512014>
- Das, S. (2022, March 6). 'They took my world': fashion giant Shein accused of art theft. *The Guardian*. <https://www.theguardian.com/artanddesign/2022/mar/06/they-took-my-world-fashion-giant-shein-accused-of-art-theft>
- Department for Business Innovation & Skills. (2015). Review of the enforcement provisions of the Consumer Protection Regulations 2008 against copycat packaging. <http://www.legislation.gov.uk/uksi/2008/1277/contents/made>
- Desjardins, J. (2021, August 26). Every Single Cognitive Bias in One Infographic. *Visual Capitalist*.
- Dobson, P., & Chakraborty, R. (2009). Private Labels and Branded Goods: Consumers' 'Horrors' and 'Heroes'. In *Labels, Brands and Competition Policy: The Changing Landscape of Retail Competition*.
- Dobson, P., & Yadav, A. (2012). Packaging in a Market Economy: The Economic and Commercial Role of Packaging Communication. <http://business.uea.ac.uk/prof-paul-dobson>
- Durham, T. (2012). Shopper Behaviour: How Choices are Made. https://www.law.ox.ac.uk/sites/default/files/migrated/tony_durham_symposium_2012.pdf
- Edelman Trust. (2021). 2021 Edelman Trust Barometer Special Report: Trust The New Brand Equity.



- Falkowski, A., Olszewska, J., & Ulatowska, J. (2015). Are look-alikes confusing? The application of the DRM paradigm to test consumer confusion in counterfeit cases. *Marketing Letters*, 26(4), 461–471. <https://doi.org/10.1007/s11002-014-9279-0>
- Farhana, M. (2012). Brand Elements Lead to Brand Equity: Differentiate or Die. In *Information Management and Business Review* (Vol. 4, Issue 4).
- Farrell, S. (2020, May 19). Aldi brings back 'Like brands only cheaper' ads that compare with rivals. *The Grocer*.
- Folkes, V., & Matta, S. (2004). The Effect of Package Shape on Consumers' Judgments of Product Volume: Attention as a Mental Contaminant. *Journal of Consumer Research*, 31(2), 390–401. <https://doi.org/10.1086/422117>
- Francis, M. (2009). PRIVATE-LABEL NPD PROCESS IMPROVEMENT IN THE UK FAST MOVING CONSUMER GOODS INDUSTRY. In *International Journal of Innovation Management* (Vol. 13, Issue 3). www.worldscientific.com
- Furnham, A., & Boo, H. C. (2011). A literature review of the anchoring effect. *The Journal of Socio-Economics*, 40(1), 35–42. <https://doi.org/10.1016/j.socsec.2010.10.008>
- George East Housewares Ltd vs Fackelmann Gmbh & Co Ok, EWHC 2476, (2016).
- Gidlöf, K., Anikin, A., Lingonblad, M., & Wallin, A. (2017). Looking is buying. How visual attention and choice are affected by consumer preferences and properties of the supermarket shelf. *Appetite*, 116, 29–38. <https://doi.org/10.1016/j.appet.2017.04.020>
- Goldstein, N. J., Martin, S. J., & Cialdini, R. B. (2008). Yes! 50 scientifically proven ways to be persuasive (First hardcover ed). Free Press.
- Gowers, A. (2006). Gowers Review of Intellectual Property. [HMSO].
- Grubbyte, A., Lavery, N., & Casinader, S. (2022). Can Dawgs Free-Ride on Bulls – Interpretation of Unfair Advantage for UK Trademarks. *National Law Review*, XII(262).
- Gupta, A., Garg, A., Farhan, F., Chandna, M., Jain, R., & Kumar, S. (2020). Effect of Brand Image on Consumer Buying Behaviour. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3907928>
- Hodgkinson & Corby Ltd v Wards Mobility Ltd, (1994).
- Holmes, T. (2017). Para-sight: A study of erroneous shopper decision making in the presence of copycat packaging. How does color affect consumer behavior?. *Great Northern Instore*.
- Humphreys, M. S., McFarlane, K. A., Burt, J. S., Kelly, S. J., Weatherall, K. G., & Burrell, R. G. (2017). How important is the name in predicting false recognition for lookalike brands? *Psychology, Public Policy, and Law*, 23(3), 381–395. <https://doi.org/10.1037/law0000133>
- Intel Corp. v. CPM United Kingdom, C-252/07, (2009).
- Johnson, P., Gibson, J., & Freeman, J. (2013). The Impact of Lookalikes Similar packaging and fast-moving consumer goods. www.ipo.gov.uk
- Jones, J. (2021, September 19). We compared Lidl's copycat products with the real thing to see if you could tell the difference. *Wales Online*.
- Judgment of 23 Oct 2003, C-408/01 (Adidas-Salomon), ECLI:EU:C:2003:582., (2003).
- Kahneman, D. (2011). *Thinking, fast and slow*. Macmillan.
- Kapferer, J.-N. (1997). The Brand and its Double. *Internationales Markentechnikum*.
- Keller, K. L. (1993). Conceptualizing, Measuring, and Managing Customer-Based Brand Equity. *Journal of Marketing*, 57(1), 1. <https://doi.org/10.2307/1252054>
- Keller, K. L., Heckler, S. E., & Houston, M. J. (1998). The Effects of Brand Name Suggestiveness on Advertising Recall. *Journal of Marketing*, 62(1), 48. <https://doi.org/10.2307/1251802>
- Konuk, F. A. (2021). The moderating impact of taste award on the interplay between perceived taste, perceived quality, and brand trust. *Journal of Retailing and Consumer Services*, 63. <https://doi.org/10.1016/j.jretconser.2021.102698>
- Kotler, P., & Armstrong, G. (2008). *Principles of Marketing, Global and Southern African Perspectives*. Pearson.



- Labrecque, L. I., & Milne, G. R. (2012). Exciting red and competent blue: the importance of color in marketing. *Journal of the Academy of Marketing Science*, 40(5), 711–727. <https://doi.org/10.1007/s11747-010-0245-y>
- Lazarus, D. (2021, April 2). Column: Scam victims may feel stupid. And ashamed. And that's perfectly normal. *Los Angeles Times*.
- Leighton, J., & Bird, G. (2012). The Effect of Branding on Consumer Choice. *Mountainview learning teaching brain science to business*, 1-27.
- Lieder, F., Griffiths, T. L., Quentin, Q. J., & Goodman, N. D. (2018). The anchoring bias reflects rational use of cognitive resources. In *Psychonomic Bulletin and Review* (Vol. 25, Issue 1, pp. 322–349). Springer New York LLC. <https://doi.org/10.3758/s13423-017-1286-8>
- Lo, M., & Lam, F. (2007). Trademark invalidated on ground of copyright infringement. *Journal of Intellectual Property Law & Practice*, 2(1), 11–12. <https://doi.org/10.1093/jiplp/jpl203>
- L'Oreal SA v Bellure NV, EWCA Civ 535, (2010).
- Lovells, H. (2011). Study on Trade Secrets and Parasitic Copying (Look-alikes) MARKT/2010/20/D Report on Trade Secrets for the European Commission Hogan Lovells International LLP.
- Mannino, N. (2013). Survey: Buyer's Remorse Statistics Buyer's Remorse Dampers Holiday Season.
- Martin, S., & Marks, J. (2019). *Messengers: Who We Listen To, Who We Don't, And Why*. Random House Business.
- McCarthy, M. S., & Norris, D. G. (1999). Improving competitive position using branded ingredients. *Journal of Product & Brand Management*, 8(4), 267–285. <https://doi.org/10.1108/10610429910284210>
- Mehta, K. (2022, February 22). The Thrifty Business Model of Aldi - The Strategy Story. *The Strategy Story*. <https://thestrategystory.com/2022/02/02/aldi-business-model/>
- Michael, R., Solomon, M., Stuart, G. W., & Elnora, W. (2019). *Marketing: Real People, Real Choices*. Pearson.
- Morton, J. (2019). Why Color Matters. *Colorcom*.
- Nolan, J. M., Schultz, P. W., Cialdini, R. B., Goldstein, N. J., & Griskevicius, V. (2008). Normative Social Influence is Underdetected. *Personality and Social Psychology Bulletin*, 34(7), 913–923. <https://doi.org/10.1177/0146167208316691>
- Olson, J. C., & Jacoby, J. (1972). Cue utilization in the quality perception process. *Proceedings of the Third Annual Conference of the Association for Consumer Research*, 167–179.
- Paivio, A., Rogers, T. B., & Smythe, R. C. (1968). Why are pictures easier to recall than words?! *Psychonomic Science*, 137–138.
- Petty, R. E., & Cacioppo, J. T. (1986). The Elaboration Likelihood Model of Persuasion (pp. 123–205). [https://doi.org/10.1016/S0065-2601\(08\)60214-2](https://doi.org/10.1016/S0065-2601(08)60214-2)
- Quinn, I. (2022, November 10). Copycat products artificially hiking prices in cost-of-living crisis, claims new report. *The Grocer*.
- Reckitt & Colman Products Ltd v Borden Ltd, (1990).
- Ries, A., & Trout, J. (1972). The positioning era cometh. *Advertising Age*.
- Sazerac Brands, LLC and others v Liverpool Gin Distillery Ltd and others, EWHC 2424, (2020).
- Schwappert Ltd. v Gibbens, 22 RPC, (1905).
- Shetu, S. N. (2015). Consumers' attitude towards look-alike packaging in Bangladesh-A study on Energy Plus Biscuit Vs Mr. Energy. In *International Journal of Business and Management Invention* ISSN (Vol. 4). Online. www.ijbmi.org
- Shires, K. (2012). Trends in Retail Competition: Private labels, brands, and competition policy.
- Simonson, I. (1992). The Influence of Anticipating Regret and Responsibility on Purchase Decisions. *Journal of Consumer Research*, 19(1), 105. <https://doi.org/10.1086/209290>
- Singh, S. (2006). Impact of color on marketing. *Management Decision*, 44(6), 783–789. <https://doi.org/10.1108/00251740610673332>



- Soster, R. L., Gershoff, A. D., & Bearden, W. O. (2014). The Bottom Dollar Effect: The Influence of Spending to Zero on Pain of Payment and Satisfaction. *Journal of Consumer Research*, 41(3), 656–677. <https://doi.org/10.1086/677223>
- Spence, C., & Velasco, C. (2018). On the multiple effects of packaging colour on consumer behaviour and product experience in the 'food and beverage' and 'home and personal care' categories. *Food Quality and Preference*, 68, 226–237. <https://doi.org/10.1016/j.foodqual.2018.03.008>
- Steenkamp, J. B. E. M., & Geyskens, I. (2014). Manufacturer and retailer strategies to impact store brand share: Global integration, local adaptation, and worldwide learning. *Marketing Science*, 33(1), 6–26. <https://doi.org/10.1287/mksc.2013.0801>
- Stiegler, M., & Goldhaber-Fiebert, S. (2015). Understanding and Preventing Cognitive Errors in Healthcare. *MedEdPORTAL*. https://doi.org/10.15766/mep_2374-8265.10000
- Tavassoli, N. T. (2001). Color memory and evaluations for alphabetical and logographic brand names. *Journal of Experimental Psychology: Applied*, 7(2), 104–111. <https://doi.org/10.1037/1076-898X.7.2.104>
- Taylor, H. (2021). The David-And-Goliath-esque Problematic of “Unfair Advantage” in Trademark Law: Is the EU Moving Towards a Categorical Protection of Famous Brands? *IIC International Review of Intellectual Property and Competition Law*, 52(8), 1069–1085. <https://doi.org/10.1007/s40319-021-01114-1>
- UK Intellectual Property Office. (2019). Trademark inter partes decision (O/227/19).
- Underwood, R. L., Klein, N. M., & Burke, R. R. (2001). Packaging communication: attentional effects of product imagery. *Journal of Product & Brand Management*, 10(7), 403–422. <https://doi.org/10.1108/10610420110410531>
- van Horen, F. (2010). VU Research Portal Breaking the mould on copycats: What makes product imitation strategies successful? Tilburg University.
- Vladi , G., Kasikovic, N., Pál, M., & Stan i, M. (2015). Influence of the shape on the consumers perception of the packaging attributes “Development of software model for scientific and production improvement in graphic industry” View project. In *Journal of Graphic Engineering and Design* (Vol. 6, Issue 2). <https://www.researchgate.net/publication/313848955>
- Walsh, G., Mitchell, V.-W., Kilian, T., & Miller, L. (2010). Measuring consumer vulnerability to perceived product-similarity problems and its consequences. *Journal of Marketing Management*, 26(1–2), 146–162. <https://doi.org/10.1080/02672570903441439>
- Wang, Q., & Shukla, P. (2013). Linking Sources of Consumer Confusion to Decision Satisfaction: The Role of Choice Goals. *Psychology & Marketing*, 30(4), 295–304. <https://doi.org/10.1002/mar.20606>
- Whitbourn, M. (2018). Attack of the clones: how Aldi gets away with mimicking big brands. *The Sydney Morning Herald*.
- Wilke, R., & Zaichkowsky, J. L. (1999). Brand imitation and its effects on innovation, competition, and brand equity. *Business Horizons*, 42(6), 9–18. [https://doi.org/10.1016/S0007-6813\(99\)80033-0](https://doi.org/10.1016/S0007-6813(99)80033-0)
- William Grant & Sons Irish Brands Limited v Lidl, CSOH 55. (2021).
- Winchester, L. (2019). Best 15 Aldi dupes from Jaffa Cakes to Mini Cheddars amid Colin the Caterpillar row - Mirror Online. *The Mirror*. <https://www.mirror.co.uk/money/15-brilliant-aldi-dupes-jaffa-23938842>
- Zaichkowsky, J. L. (2006). *The psychology behind trademark infringement and counterfeiting*. Lawrence Erlbaum Associates Publishers.
- Zajonc, R. B. (2001). Mere Exposure: A Gateway to the Subliminal. *Current Directions in Psychological Science*, 10(6), 224–228. <https://doi.org/10.1111/1467-8721.00154>





