

INTA 2015: Mars reveals plain packaging fear for confectionery brands

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An in-house counsel at food company Mars has said the “million dollar question” facing brand owners is whether the plain packaging laws that have been introduced for tobacco will extend to confectionery products.

Sophie Anger, associate general counsel at the US-based company, said brand owners were not any nearer to knowing whether such laws would be introduced, but said the company, and others in the industry, were mindful of the possibility.

She was speaking on the third day of the International Trademark Association's (INTA) annual conference, currently taking place in San Diego, during a session on the relationships between trademarks and consumer protection.

Anger pointed to regulations introduced by the World Health Organization (WHO) that placed restrictions on the advertising and marketing of foods that have high levels of sugar and fat.

In July 2013, the Codex Alimentarius Commission, jointly run by UN body the Food and Agriculture Organization and the WHO, told international food safety and quality standards agencies to promote safer and more nutritious food for consumers worldwide.

Anger said: "After those regulations, the million dollar question we are faced with is if we are heading toward plain packaging?"

"If we are forced to remove our branding this will have an impact. It will make it harder for us to enforce our brand, distinguish ourselves from our competitors and it will make counterfeits easier to produce."

Mars, according to Anger, currently ensures its advertising is not geared towards anyone younger than 12, that the company places nutritional information on its foods, and does not make anything with more than 250 calories in one serving.

Anger also spoke of one of Mars's most famous brands, M&M's, and how the creation of different characters for the chocolate helped the product become a successful brand.

The six characters, known as 'spokescandies', have different personalities and are seen in adverts that contain adult-humour. There are entire shops dedicated to the sweets and their respective characters and there have also been several advertising campaigns.

According to Anger, they have become an important part of Mars's identity and could potentially be damaged by plain packaging law.

The INTA conference runs from May 2 to 6.