

Hershey To Mars: Stop Copying Our Packaging

Marc Levy, Associated Press

HARRISBURG, Pa. (AP) — Bitter rivals in the candy aisle may also duke it out in court.

The Hershey Co. sued Mars Inc. this week in federal district court, with the maker of Hershey's and Reese's chocolate candies accusing the maker of Snickers, M&Ms and Dove candies of mimicking some of its packaging.

Hershey is claiming trademark dilution and infringement, and unfair competition.

The lawsuit, filed Monday in Harrisburg, contends that Mars' packaging of its Dove peanut butter chocolate Promise squares is trying to piggyback on the patented orange, brown and tan wrappings of the Reese's peanut butter chocolate products that Hershey has marketed for decades.

McLean, Va.-based Mars did not respond to telephone messages Friday seeking comment. The image of the Dove peanut butter Promises squares package on the Dove website is different from the image cited in Hershey's lawsuit.

Hershey, based in the Pennsylvania town named after company founder Milton S. Hershey, is the nation's largest maker of chocolate candies, with Mars second. In 2008, Hershey also was atop the larger confectionery category, but Mars leapfrogged it with its \$23 billion purchase of mint and chewing-gum giant Wm. Wrigley Jr. Co.

That same year, Mars rolled out a public relations campaign that subtly attacked some of Hershey's cost-cutting moves, including its closing of three U.S. plants and blending cocoa butter substitutes into some of its chocolate candy sold domestically.

Mars' premium brand, Dove, was "made in the USA" of "pure, rich chocolate," according to its PR campaign.

Successful marketing is crucial to Hershey's success as it competes with richer rivals — Mars and Kraft Foods Inc., in particular — that are gaining advantages by buying other candy companies whole.

Hershey chief executive David J. West, who got the job amid the company's sluggish financial performance three years ago, has pumped huge amounts of money into a new marketing strategy that revolves around the company's best-known products, including Reese's.

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